

Rybicki, David (OAG)

From: Rybicki, David (OAG)
Sent: Wednesday, February 15, 2017 7:28 PM
To: Crowell, James (ODAG)
Cc: Terwilliger, Zachary (ODAG); Lan, Iris (ODAG)
Subject: Re: BOP private prison memo

(b) (5)

On Feb 15, 2017, at 7:16 PM, Crowell, James (ODAG) <jcrowell@jmd.usdoj.gov> wrote:

David:

(b) (5)

Thanks,

- Jim

Lan, Iris (ODAG)

From: Lan, Iris (ODAG)
Sent: Thursday, February 16, 2017 12:56 PM
To: Terwilliger, Zachary (ODAG)
Subject: RE: [FYSA update only] RE: BOP private prison memo

Will do.

From: Terwilliger, Zachary (ODAG)
Sent: Thursday, February 16, 2017 12:08 PM
To: Lan, Iris (ODAG) <irlan@jmd.usdoj.gov>
Cc: Crowell, James (ODAG) <jcrowell@jmd.usdoj.gov>; Rybicki, David (OAG) <drybicki@jmd.usdoj.gov>
Subject: Re: [FYSA update only] RE: BOP private prison memo

Thanks very much, Iris. (b) (5)

(b) (5)

On Feb 16, 2017, at 9:47 AM, Lan, Iris (ODAG) <irlan@jmd.usdoj.gov> wrote:

All,

Just FYSA update:

(b) (5)

Be back in touch asap.

Thanks,
Iris

Duplicate Email

Duplicate Email

Crowell, James (ODAG)

From: Crowell, James (ODAG)
Sent: Thursday, February 16, 2017 2:56 PM
To: Hunt, Jody (OAG)
Subject: FW: [For Your Review] RE: BOP private prison memo
Attachments: rescission memo draft.doc

fysa

Duplicate Email



Crowell, James (ODAG)

From: Crowell, James (ODAG)
Sent: Thursday, February 16, 2017 2:57 PM
To: Boente, Dana (ODAG)
Subject: FW: [For Your Review] RE: BOP private prison memo
Attachments: rescission memo draft.doc

Fysa (b) (5)

Duplicate Emails

Lan, Iris (ODAG)

From: Lan, Iris (ODAG)
Sent: Friday, February 17, 2017 8:35 AM
To: Crowell, James (ODAG); Terwilliger, Zachary (ODAG)
Subject: RE: [FYI] RE: BOP private prison memo

Spoke with David. We are good to go. (b) (5)

From: Crowell, James (ODAG)
Sent: Friday, February 17, 2017 8:26 AM
To: Lan, Iris (ODAG) <irlan@jmd.usdoj.gov>; Terwilliger, Zachary (ODAG) <zterwilliger@jmd.usdoj.gov>
Subject: RE: [FYI] RE: BOP private prison memo

Good.

From: Lan, Iris (ODAG)
Sent: Friday, February 17, 2017 8:26 AM
To: Crowell, James (ODAG) <jcrowell@jmd.usdoj.gov>; Terwilliger, Zachary (ODAG) <zterwilliger@jmd.usdoj.gov>
Subject: RE: [FYI] RE: BOP private prison memo

(b) (5)

From: Crowell, James (ODAG)
Sent: Friday, February 17, 2017 8:23 AM
To: Lan, Iris (ODAG) <irlan@jmd.usdoj.gov>; Terwilliger, Zachary (ODAG) <zterwilliger@jmd.usdoj.gov>
Subject: RE: [FYI] RE: BOP private prison memo

(b) (5)

From: Lan, Iris (ODAG)
Sent: Friday, February 17, 2017 7:54 AM
To: Crowell, James (ODAG) <jcrowell@jmd.usdoj.gov>; Terwilliger, Zachary (ODAG) <zterwilliger@jmd.usdoj.gov>
Subject: [FYI] RE: BOP private prison memo

Jim/Zach:

FYI:

(b) (5)

(b) (5)

Thanks,
Iris

From: Rybicki, David (OAG)
Sent: Friday, February 17, 2017 6:26 AM
To: Lan, Iris (ODAG) <irlan@jmd.usdoj.gov>
Subject: Re: [For Your Review] RE: BOP private prison memo

(b) (5)

Thanks iris

From: Rybicki, David (OAG)
Sent: Thursday, February 16, 2017 6:06 PM
To: Crowell, James (ODAG) <jcrowell@jmd.usdoj.gov>
Cc: Cutrona, Danielle (OAG) <dcutrona@jmd.usdoj.gov>; Terwilliger, Zachary (ODAG) <zterwilliger@jmd.usdoj.gov>
Subject: RE: [For Your Review] RE: BOP private prison memo

OAG edits below. AG has requested to review this tomorrow afternoon

MEMORANDUM FOR THE ACTING DIRECTOR
FEDERAL BUREAU OF PRISONS

FROM: Jeff Sessions
Attorney General

SUBJECT: Rescission of Memorandum on Use of Private Prisons

(b) (5)

CC: Lee Lofthus, Assistant Attorney General for Administration

From: Lan, Iris (ODAG)
Sent: Thursday, February 16, 2017 12:54 PM
To: Crowell, James (ODAG) <jcrowell@jmd.usdoj.gov>; Rybicki, David (OAG) <drybicki@jmd.usdoj.gov>; Terwilliger, Zachary (ODAG) <zterwilliger@jmd.usdoj.gov>
Subject: [For Your Review] RE: BOP private prison memo

All,

For your review, attached please find a short draft memo from JMD as a starting point for our discussions.

(b) (5)

A large black rectangular redaction box covers the majority of the page's content.

Thanks,
Iris

Duplicate Email

A large grey rectangular redaction box covers the bottom half of the page.

Rybicki, David (OAG)

From: Rybicki, David (OAG)
Sent: Wednesday, February 22, 2017 8:22 AM
To: Crowell, James (ODAG)
Cc: Terwilliger, Zachary (ODAG)
Subject: The AG has signed the memo rescinding Yates Memo on private prisons

Gentlemen, good morning.

(b) (5)

A large black rectangular redaction box covers the majority of the page content below the greeting.

Terwilliger, Zachary (ODAG)

From: Terwilliger, Zachary (ODAG)
Sent: Wednesday, February 22, 2017 11:07 AM
To: Crowell, James (ODAG)
Cc: Rybicki, David (OAG)
Subject: RE: The AG has signed the memo rescinding Yates Memo on private prisons

Will do.
Thanks,
Zach

From: Crowell, James (ODAG)
Sent: Wednesday, February 22, 2017 10:53 AM
To: Terwilliger, Zachary (ODAG) <zterwilliger@jmd.usdoj.gov>
Cc: Rybicki, David (OAG) <drybicki@jmd.usdoj.gov>
Subject: Re: The AG has signed the memo rescinding Yates Memo on private prisons

(b) (5) Thanks.

On Feb 22, 2017, at 9:54 AM, Terwilliger, Zachary (ODAG) <zterwilliger@jmd.usdoj.gov> wrote:

Jim,
(b) (5)

(b) (5)

Thanks, Jim.

Zach

Zachary Terwilliger
Associate Deputy Attorney General &
Acting Chief of Staff to the Deputy Attorney General
Office of the Deputy Attorney General
Zachary.Terwilliger2@usdoj.gov
(202) 307-1045 (Desk)
(b) (6) Mobile)

Duplicate Email

Duplicate Email



Terwilliger, Zachary (ODAG)

From: Terwilliger, Zachary (ODAG)
Sent: Wednesday, February 22, 2017 11:33 AM
To: Rybicki, David (OAG)
Subject: RE: The AG has signed the memo rescinding Yates Memo on private prisons

Absolutely. Will do.

From: Rybicki, David (OAG)
Sent: Wednesday, February 22, 2017 11:31 AM
To: Terwilliger, Zachary (ODAG) <zterwilliger@jmd.usdoj.gov>
Subject: RE: The AG has signed the memo rescinding Yates Memo on private prisons

I am going to email Kane now

(b) (5)



From: Terwilliger, Zachary (ODAG)
Sent: Wednesday, February 22, 2017 11:09 AM
To: Rybicki, David (OAG) <drybicki@jmd.usdoj.gov>
Subject: FW: The AG has signed the memo rescinding Yates Memo on private prisons

(b) (5)



Zach

Duplicate Email



Duplicate Email



Rybicki, David (OAG)

From: Rybicki, David (OAG)
Sent: Thursday, February 23, 2017 9:11 AM
To: Hunt, Jody (OAG)
Cc: Cutrona, Danielle (OAG)
Subject: Rescission of Yates BOP Memo -- TPs

Jody – wanted you to see the draft TPs on this issue. (b) (5)

(b) (5) but please let me know if you want to discuss or have changes.

I will be happy to pass them on

On February 21, 2017, Attorney General Jeff Sessions rescinded an August 18, 2016, memorandum issued by former Deputy Attorney General Sally Q. Yates requiring that the Bureau of Prisons reduce its use of private prison contracts.

(b) (5)

Cutrona, Danielle (OAG)

From: Cutrona, Danielle (OAG)
Sent: Thursday, February 23, 2017 9:31 AM
To: Hunt, Jody (OAG); Rybicki, David (OAG)
Subject: RE: Rescission of Yates BOP Memo -- TPs

(b) (5)

From: Hunt, Jody (OAG)
Sent: Thursday, February 23, 2017 9:22 AM
To: Rybicki, David (OAG) <drybicki@jmd.usdoj.gov>
Cc: Cutrona, Danielle (OAG) <dcutrona@jmd.usdoj.gov>
Subject: Re: Rescission of Yates BOP Memo -- TPs

Thank you. (b) (5)

Duplicate Email

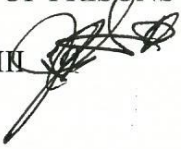


Office of the Attorney General

Washington, D. C. 20530

February 21, 2017

MEMORANDUM FOR THE ACTING DIRECTOR
FEDERAL BUREAU OF PRISONS

FROM: Jefferson B. Sessions III 
Attorney General

SUBJECT: Rescission of Memorandum on Use of Private Prisons

I hereby rescind the memorandum dated August 18, 2016, sent to you by former Deputy Attorney General Sally Q. Yates, entitled “Reducing our Use of Private Prisons.” In that memorandum, former DAG Yates directed “that, as each contract reaches the end of its term, the Bureau should either decline to renew that contract or substantially reduce its scope in a manner consistent with law and the overall decline of the Bureau's inmate population.” The memorandum changed long-standing policy and practice, and impaired the Bureau’s ability to meet the future needs of the federal correctional system. Therefore, I direct the Bureau to return to its previous approach.

cc: Lee Lofthus, Assistant Attorney General for Administration

Otus84, AG (OAG)

From: Otus84, AG (OAG)
Sent: Monday, March 06, 2017 5:06 PM
To: Tucker, Rachael (OAG); Hunt, Jody (OAG); Hanrahan, Peggi (OAG); Panuccio, Jesse (OASG)
Subject: Meeting with Urban League
Attachments: National Urban League.pdf; Meeting Agenda - AG Sessions.pdf

POC: Rachael Tucker

Attendees:

Rachael Tucker and Jesse Panuccio

Urban League attendees: Marc Morial, Rev. Al Sharpton, Melanie Campbell, Kristen Clarke, Sherrilyn Ifill, Don Cravins and Wade Henderson

Meeting Agenda

Leaders of Civil Rights Organizations and U.S. Department of Justice
March 7, 2017

Participants:

- Marc H. Morial, President and CEO, National Urban League
- Melanie L. Campbell, President and CEO, National Coalition on Black Civic Participation and Convener, Black Women's Roundtable
- Kristen Clarke, President and Executive Director, Lawyers' Committee for Civil Rights Under Law
- Wade Henderson, President and CEO, Leadership Conference on Civil and Human Rights
- Sherrilyn Ifill, President and Director-Counsel of the NAACP Legal Defense and Educational Fund, Inc.
- The Rev. Al Sharpton, Founder and President, National Action Network
- Donald Cravins, Executive Director, National Urban League Washington Bureau

Agenda:

- I.** Hate Crimes Enforcement
- II.** Voting Rights/Section 3 Cases/Voting Rights Restoration Act
- III.** Criminal Justice Reform/Smart On Crime Initiative
- IV.** Police Community Issues/Police Consent Decrees/Baltimore, Ferguson, Chicago, North Charleston
- V.** Criminal Civil Rights Prosecutors
 - a. Eric Garner
 - b. Walter Scott/Michael Slager
- VI.** Private Prisons
- VII.** Violence Against Women Enforcement
- VIII.** Transgender Guideline
- IX.** OJP/Youth Mentoring Program
- X.** Travel Ban – New Executive Order
- XI.** Civil Rights Division – Staffing and Enforcement
- XII.** Proposed POTUS Voter Fraud Task Force

Terwilliger, Zachary (ODAG)

From: Terwilliger, Zachary (ODAG)
Sent: Wednesday, April 12, 2017 12:06 PM
To: Crowell, James (ODAG); Rybicki, David (OAG); Panuccio, Jesse (OASG)
Subject: Fwd: Call regarding Private Prisons

Begin forwarded message:

From: "Schools, Scott (ODAG)" <sschools@jmd.usdoj.gov>
Date: April 12, 2017 at 12:00:38 PM EDT
To: "Terwilliger, Zachary (ODAG)" <zterwilliger@jmd.usdoj.gov>
Subject: RE: Call regarding Private Prisons

You handled it appropriately. Thanks.

From: Terwilliger, Zachary (ODAG)
Sent: Wednesday, April 12, 2017 10:35 AM
To: Schools, Scott (ODAG) <sschools@jmd.usdoj.gov>
Subject: Call regarding Private Prisons

Scott,

As I have done previously, I wanted to make a record that I got a call from a lobbyist, Brian Ballard, on the private prison rescission memo. He expressed concerns that despite the rescission memo having been issued, BOP was still operating under the old DAG guidance.

I explained, just as I did with all previous calls that this Justice Department does not engage in negotiation or discussion with lobbyists. I said I could not talk about the inner-workings of operational decision making of BOP and we certainly would not direct them to take any particular actions based upon special interest.

I requested that he call his representatives in Congress.

Finally, I told him that the new memo, which is a public document, provides BOP with the discretion to contract for private bed space based upon their operational needs, not specific quotas from Washington. If he was seeing that additional bed space was not being renewed, it was not due to an adherence to the Yates' policy, but based upon operational decisions by career subject matter experts within BOP.

Thanks, Scott
Zach

Zachary Terwilliger
Associate Deputy Attorney General
Office of the Deputy Attorney General
Zachary.Terwilliger2@usdoj.gov

(202) 307-1045 (Desk)

(b) (6) Mobile)

Terwilliger, Zachary (ODAG)

From: Terwilliger, Zachary (ODAG)
Sent: Friday, March 24, 2017 1:46 PM
To: Tyson, Jill C. (OLA)
Cc: Cheng, Ivy (OLA)
Subject: Re: Sen. Cornyn letter to DAG/Kane re: BOP solicitation

Good by me

On Mar 24, 2017, at 1:30 PM, Tyson, Jill C. (OLA) <jctyson@jmd.usdoj.gov> wrote:

Hi, Zach. Just to clarify, OLA's recommendation (b) (5)

(b) (5)

(b) (5)

Please let us know if this works for you. Thanks again.

(b) (5)

From: Cheng, Ivy (OLA)
Sent: Friday, March 24, 2017 11:58 AM
To: Terwilliger, Zachary (ODAG) <zterwilliger@jmd.usdoj.gov>
Cc: Tyson, Jill C. (OLA) <jctyson@jmd.usdoj.gov>
Subject: Sen. Cornyn letter to DAG/Kane re: BOP solicitation

Hi Zach,

(b) (5)

(b) (5)

There are several options we can likely take here: (b) (5)

(b) (5)

Can you let me know what ODAG would prefer to do?

Thanks,
Ivy

--

Ivy Cheng
Attorney Advisor
Office of Legislative Affairs
United States Department of Justice
Desk: (202) 353-0088
Mobile: (b) (6)
ivy.cheng@usdoj.gov

<Signed CAR 16 Letter.pdf>

<CTS655587 Senator CornynR5 (3-24-2017).docx>



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 24, 2017

The Honorable John Cornyn
United States Senate
Washington, DC 20510

Dear Senator Cornyn:

This responds to your letter to the Deputy Attorney General and the Acting Director of the Federal Bureau of Prisons (BOP), dated December 9, 2016, regarding Request for Proposal PCC-023 (CAR 16). Specifically, you asked that BOP place an immediate hold on the CAR 16 solicitation and delay making award until the new Administration has an opportunity to review BOP's needs and develop its own policy position. We are sending identical responses to the other Members who joined in your letter. We apologize for our delay in responding to your letter.

The Attorney General has had the opportunity to review the BOP's needs, and rescinded the August 18, 2016 memorandum, *Reducing our Use of Private Prisons*. The CAR 16 solicitation is currently being evaluated based on the BOP's current need. Because this matter is under review, we are not able to provide additional information at this time.

Thank you for your continued support of the BOP. We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

A handwritten signature in cursive script that reads "Samuel R. Ramer".

Samuel R. Ramer
Acting Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 24, 2017

The Honorable Ted Cruz
United States Senate
Washington, DC 20510

Dear Senator Cruz:

This responds to your letter to the Deputy Attorney General and the Acting Director of the Federal Bureau of Prisons (BOP), dated December 9, 2016, regarding Request for Proposal PCC-023 (CAR 16). Specifically, you asked that BOP place an immediate hold on the CAR 16 solicitation and delay making award until the new Administration has an opportunity to review BOP's needs and develop its own policy position. We are sending identical responses to the other Members who joined in your letter. We apologize for our delay in responding to your letter.

The Attorney General has had the opportunity to review the BOP's needs, and rescinded the August 18, 2016 memorandum, *Reducing our Use of Private Prisons*. The CAR 16 solicitation is currently being evaluated based on the BOP's current need. Because this matter is under review, we are not able to provide additional information at this time.

Thank you for your continued support of the BOP. We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

A handwritten signature in cursive script that reads "Samuel R. Ramer".

Samuel R. Ramer
Acting Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 24, 2017

The Honorable Orrin G. Hatch
United States Senate
Washington, DC 20510

Dear Senator Hatch:

This responds to your letter to the Deputy Attorney General and the Acting Director of the Federal Bureau of Prisons (BOP), dated December 9, 2016, regarding Request for Proposal PCC-023 (CAR 16). Specifically, you asked that BOP place an immediate hold on the CAR 16 solicitation and delay making award until the new Administration has an opportunity to review BOP's needs and develop its own policy position. We are sending identical responses to the other Members who joined in your letter. We apologize for our delay in responding to your letter.

The Attorney General has had the opportunity to review the BOP's needs, and rescinded the August 18, 2016 memorandum, *Reducing our Use of Private Prisons*. The CAR 16 solicitation is currently being evaluated based on the BOP's current need. Because this matter is under review, we are not able to provide additional information at this time.

Thank you for your continued support of the BOP. We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

A handwritten signature in black ink that reads "Samuel R. Ramer". The signature is fluid and cursive.

Samuel R. Ramer
Acting Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 24, 2017

The Honorable Michael T. McCaul
U.S. House of Representatives
Washington, DC 20515

Dear Congressman McCaul:

This responds to your letter to the Deputy Attorney General and the Acting Director of the Federal Bureau of Prisons (BOP), dated December 9, 2016, regarding Request for Proposal PCC-023 (CAR 16). Specifically, you asked that BOP place an immediate hold on the CAR 16 solicitation and delay making award until the new Administration has an opportunity to review BOP's needs and develop its own policy position. We are sending identical responses to the other Members who joined in your letter. We apologize for our delay in responding to your letter.

The Attorney General has had the opportunity to review the BOP's needs, and rescinded the August 18, 2016 memorandum, *Reducing our Use of Private Prisons*. The CAR 16 solicitation is currently being evaluated based on the BOP's current need. Because this matter is under review, we are not able to provide additional information at this time.

Thank you for your continued support of the BOP. We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

A handwritten signature in black ink that reads "Samuel R. Ramer". The signature is fluid and cursive, with a large initial "S".

Samuel R. Ramer
Acting Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 24, 2017

The Honorable Bill Flores
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Flores:

This responds to your letter to the Deputy Attorney General and the Acting Director of the Federal Bureau of Prisons (BOP), dated December 9, 2016, regarding Request for Proposal PCC-023 (CAR 16). Specifically, you asked that BOP place an immediate hold on the CAR 16 solicitation and delay making award until the new Administration has an opportunity to review BOP's needs and develop its own policy position. We are sending identical responses to the other Members who joined in your letter. We apologize for our delay in responding to your letter.

The Attorney General has had the opportunity to review the BOP's needs, and rescinded the August 18, 2016 memorandum, *Reducing our Use of Private Prisons*. The CAR 16 solicitation is currently being evaluated based on the BOP's current need. Because this matter is under review, we are not able to provide additional information at this time.

Thank you for your continued support of the BOP. We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

A handwritten signature in black ink that reads "Samuel R. Ramer".

Samuel R. Ramer
Acting Assistant Attorney General

Cheng, Ivy (OLA)

From: Cheng, Ivy (OLA)
Sent: Friday, March 24, 2017 5:59 PM
To: Terwilliger, Zachary (ODAG); Tyson, Jill C. (OLA)
Subject: RE: Sen. Cornyn letter to DAG/Kane re: BOP solicitation
Attachments: DOJ Response to 12-9-16 Cornyn et al - BOP CAR 16.pdf

Thanks Zach. Attached is a copy of the final signed version, which is going out imminently.

From: Terwilliger, Zachary (ODAG)
Sent: Friday, March 24, 2017 5:56 PM
To: Tyson, Jill C. (OLA) <jctyson@jmd.usdoj.gov>
Cc: Cheng, Ivy (OLA) <ICheng@jmd.usdoj.gov>
Subject: RE: Sen. Cornyn letter to DAG/Kane re: BOP solicitation

Agree with your analysis and the proposed response.

Duplicate Email Chain



Terwilliger, Zachary (ODAG)

From: Terwilliger, Zachary (ODAG)
Sent: Friday, April 07, 2017 1:40 PM
To: Cheng, Ivy (OLA)
Cc: Tyson, Jill C. (OLA)
Subject: RE: Response to Grassley letter re: private prison oversight

Looks good.

From: Cheng, Ivy (OLA)
Sent: Friday, April 7, 2017 12:44 PM
To: Terwilliger, Zachary (ODAG) <zterwilliger@jmd.usdoj.gov>
Cc: Tyson, Jill C. (OLA) <jctyson@jmd.usdoj.gov>
Subject: Response to Grassley letter re: private prison oversight

Hi Zach,

Attached please find a draft response to a 3/14 letter from Chairman Grassley expressing concern about oversight of BOP private prisons in light of the Department's decision to rescind the 2016 memo on reducing private prison use. (b) (5)

(b) (5)

Thanks,
Ivy

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

ORRIN G. HATCH, UTAH

LINDSEY O. GRAHAM, SOUTH CAROLINA

JOHN CORNYN, TEXAS

MICHAEL S. LEE, UTAH

TED CRUZ, TEXAS

BEN SASSE, NEBRASKA

JEFF FLAKE, ARIZONA

MIKE CRAPO, IDAHO

THOM TILLIS, NORTH CAROLINA

JOHN KENNEDY, LOUISIANA

DIANNE FEINSTEIN, CALIFORNIA

PATRICK J. LEAHY, VERMONT

RICHARD J. DURBIN, ILLINOIS

SHELDON WHITEHOUSE, RHODE ISLAND

AMY KLOBUCHAR, MINNESOTA

AL FRANKEN, MINNESOTA

CHRISTOPHER A. COONS, DELAWARE

RICHARD BLUMENTHAL, CONNECTICUT

MAZIE HIRONO, HAWAII

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
JENNIFER DUCK, *Democratic Staff Director*

March 14, 2017

VIA ELECTRONIC TRANSMISSION

The Honorable Jeff Sessions
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Sessions:

As you know from your time serving on the United States Senate Committee on the Judiciary, the Federal Bureau of Prison's (BOP) lack of oversight regarding contracts with privately operated prisons has been an important oversight issue. The potential for waste, fraud and abuse has proven to be significant without proper oversight. For example, in April 2015, the Department of Justice Office of the Inspector General (OIG) audited BOP's contract with Reeves County Detention Center in Pecos, Texas for compliance with contract terms and conditions relating to billings, staffing requirements, and contract oversight and monitoring. OIG found substantial waste and abuse.

Specifically, OIG found that "Reeves County improperly requested and the BOP improperly paid \$1.95 million in fringe benefits it was not entitled to receive, including \$175,436 in payroll taxes and workers' compensation insurance[.]"¹ In addition, Correct Care Solutions, LLC (CCS) improperly requested \$74,765 in fringe benefits that were unsupported by payroll documentation.² I wrote to the BOP regarding these troubling issues.³

The OIG also determined that "the BOP needs to improve how it monitors contract prisons in several areas."⁴ Specifically, the OIG concluded "deficiencies related to contract prisons' security inspection systems could jeopardize the safety and security of inmates and

¹ U.S. DEP'T OF JUSTICE, OFFICE OF THE INSPECTOR GEN., AUDIT OF THE FEDERAL BUREAU OF PRISONS CONTRACT NO. DJB1PC007 AWARDED TO REEVES COUNTY, TEXAS TO OPERATE THE REEVES COUNTY DETENTION CENTER I/II PECOS, TEXAS (2015).

² *Id.* at ii.

³ Letter from Charles E. Grassley, Chairman, S. Comm. on the Judiciary, to Thomas R. Kane, Acting Dir., Fed. Bureau of Prisons (June 12, 2016).

⁴ U.S. DEP'T OF JUSTICE, OFFICE OF THE INSPECTOR GEN., REVIEW OF THE FEDERAL BUREAU OF PRISONS' MONITORING OF CONTRACT PRISONS 44 (2016).

prison staff, and the BOP should address them promptly.”⁵ BOP has attempted to address many of the issues identified in the OIG report, but cause for concern still exists. It is unclear to what extent BOP performs oversight of these contracts to reduce waste, fraud, and abuse. Accordingly, DOJ should explain, in detail, what steps it will take, or has already taken, to ensure proper oversight of privately operated prisons.

In August 2016 the DOJ issued a memorandum to the BOP directing that it not renew contracts with private prisons as they reach the end of their term or to “substantially reduce its scope in a manner consistent with law and the overall decline of the Bureau’s inmate population.”⁶

On February 21, 2017, the DOJ issued a memorandum to BOP rescinding the above mentioned memorandum stating that it “changed long-standing policy and practice, and impaired the Bureau’s ability to meet the future needs of the federal correctional system.”⁷ This departure from previous DOJ guidance regarding future private prison contracts has re-ignited the debate over the proper oversight of private prison use by BOP.

In an effort to better understand the rationale behind your decision as well as exercise the Committee’s oversight responsibility with regard to DOJ and the BOP, please answer the following questions:

1. In light of previous oversight lapses at privately run prisons, how will the DOJ ensure that BOP is engaging in proper oversight of them to prevent waste, fraud, and abuse?
2. In light of the rescission, what steps are being taken to ensure that the federal and private bed population is appropriately managed in order to reduce costs to the taxpayer?

Please number your responses according to their corresponding questions. I request a response no later than March 28, 2017. If you have any questions, please contact Josh Flynn-Brown of my Judiciary Committee staff at (202) 224-5225. Thank you for your cooperation in this important matter.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

⁵ *Id.* at 45.

⁶ *Id.*

⁷ Memorandum from Jefferson B. Sessions III, Attorney Gen., U.S. Dep’t of Justice, to the Acting Dir., Fed. Bureau of Prisons (Feb. 21, 2017).

Terwilliger, Zachary (ODAG)

From: Terwilliger, Zachary (ODAG)
Sent: Wednesday, February 22, 2017 8:17 PM
To: Barnett, Gary (ODAG); Rybicki, David (OAG)
Cc: Ramer, Sam (OLA); Crowell, James (ODAG)
Subject: RE: Private Prisons memo

Gary and Sam,

Thanks for raising: (b) (5)

I am looping in

David for his comments. (b) (5)

(b) (5)

David, (b) (5)

(b) (5)

Much appreciated.

Zach

From: Barnett, Gary (ODAG)
Sent: Wednesday, February 22, 2017 8:14 PM
To: Terwilliger, Zachary (ODAG) <zterwilliger@jmd.usdoj.gov>
Cc: Ramer, Sam (OLA) <sramer@jmd.usdoj.gov>
Subject: Fwd: Private Prisons memo

Zach,

Thoughts on below: (b) (5)

(b) (5)

That sounds right to me.

Is the attached language the correct version, and are you ok with sharing?

Gary

Begin forwarded message:

From: "Cheng, Ivy (OLA)" <ICheng@jmd.usdoj.gov>
Date: February 22, 2017 at 7:07:49 PM EST
To: "Barnett, Gary (ODAG)" <gbarnett@jmd.usdoj.gov>
Subject: Private Prisons memo

Hi Gary,

I was hoping to touch base regarding the memo that the AG issued yesterday to BOP, rescinding

the August 2016 memo on "Reducing our Use of Private Prisons." In particular, I wanted to

(b) (5)



(b) (5)



Thanks very much,
Ivy

--

Ivy Cheng
Attorney Advisor
Office of Legislative Affairs
United States Department of Justice
Desk: (202) 353-0088
Mobile: (b) (6)
ivy.cheng@usdoj.gov

Bruck, Andrew J. (ODAG)

From: Bruck, Andrew J. (ODAG)
Sent: Saturday, January 21, 2017 6:06 PM
To: Woods, Rae (ODAG) (rwoods@jmd.usdoj.gov)
Subject: FW: Private prison chart
Attachments: 01 - January 2017.xlsx; ATT00001.txt

Wasn't able to get this finished before I left. Since this is all public, perhaps BOP could post here?
<https://www.bop.gov/resources/publications.jsp>

-----Original Message-----

From: Woods, Rae (ODAG)
Sent: Monday, January 09, 2017 4:29 PM
To: Bruck, Andrew J. (ODAG) <ajbruck@jmd.usdoj.gov>
Cc: Gebremariam, Helam (ODAG) <hegebremariam@jmd.usdoj.gov>
Subject: Private prison chart

Let me know if you need anything else.

**CONTRACT FACILITY PRICING
JANUARY 2017**

SITE	CONTRACT INFORMATION							OPERATING PRICE		POPULATION			
	CAR #	CONTRACT #	OPERATOR	CURRENT PERIOD	OVERALL YR #	EXP. DATE	MOD #	ANNUAL	MONTHLY	90%	100%	115%*	Designated Capacity (GP BEDS**)
REEVES III	CAR 5	DJB1PC 003	REEVES CO.	Extension	10 of 10	03/31/17	98	\$20,549,156.11	\$1,686,257.88	1,061	1,179	1,356	1,356
REEVES I & II	CAR 6	DJB1PC 007	REEVES CO.	Extension	10 of 10	03/31/17	99	\$50,265,072.74	\$4,188,756.06	1,884	2,093	2,407	2,407
BIG SPRING	CAR 6	DJB1PC 004	GEO	OP3 of 3, YR 2	10 of 10	03/31/17	107	\$83,202,251.90	\$6,933,520.99	2,746	3,051	3,509	3,509
EDEN	CAR 6	DJB1PC 005	CCA	OP3 of 3, YR 2	10 of 10	04/30/17	93	\$30,149,430.00	\$2,512,452.50	1,220	1,355	1,558	1,438
DALBY	CAR 6	DJB1PC 006	MTC	OP3 of 3, YR 2	10 of 10	03/31/17	117	\$35,935,991.73	\$2,994,665.98	1,503	1,670	1,921	1,921
TAFT	CAR 7	DJB1PC 009	MTC	OP3 of 3, YR 2	10 of 10	08/19/17	157	\$45,819,856.92	\$3,818,321.41	1,843	2,048	2,355	2,355
ADAMS	CAR 8	DJB1PC 010	CCA	OP2 of 3, YR 2	8 of 10	07/31/19	89	\$54,710,376.23	\$4,559,198.02	2,009	2,232	2,567	2,340
D. RAY JAMES	CAR 10	DJB1PC 012	GEO	OP2 of 3, YR 1	6 of 10	09/30/20	76	\$51,788,252.04	\$4,315,687.67	1,800	1,900		1,900
RIVERS II	DC III	DJB1PC 013	GEO	OP1 of 3, YR 2	6 of 10	03/31/21	63	\$38,009,239.09	\$3,167,436.59	1,135	1,261	1,450	1,450
MCRAE II	CAR 12	DJB1PC 016	CCA	OP1 of 3, YR 1	5 of 10	11/30/22	42	\$36,775,977.00	\$3,064,664.75	1,633	1,724		1,724
GREAT PLAINS***	CAR 15	DJB1PC 017	GEO	BY2 of 5	2 of 10	05/31/25	34	\$33,727,878.84	\$2,810,656.57	1,940	1,940	1,940	1,940
MOSH. VALLEY II***	CAR 15	DJB1PC 018	GEO	BY1 of 5	1 of 10	03/31/26	18	\$39,414,552.00	\$3,284,546.00	1,878	1,878	1,878	1,878
TOTAL - ALL CONTRACTS								\$520,348,034.60		20,652	22,331	20,941	24,218

*Represent the contracted capacity

**Actual available GP beds

***Firm Fixed-Price contract. Pricing is not influenced by population. Only the 100% population is relevant and shown in all population cells.

Hall, William A. (ODAG)

From: Hall, William A. (ODAG)
Sent: Friday, February 03, 2017 10:17 AM
To: Terwilliger, Zachary (ODAG)
Subject: FW: private prison teams

We need to discuss this.

Bill Hall
Associate Deputy Attorney General
Office of the Deputy Attorney General
(202) 305-0273

From: Judi Garrett [mailto:(b)(6); (b)(7)(C)@bop.gov]
Sent: Friday, February 3, 2017 10:16 AM
To: William.A.Hall2@usdoj.gov
Subject: Fwd: private prison teams

as discussed. I will be sending one more shortly. for what it's worth.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Woods, Rae (ODAG)" <Rae.Woods2@usdoj.gov>
Date: 2/2/17 6:24 PM (GMT-05:00)
To: "Judi (BOP) Garrett" <(b)(6); (b)(7)(C)@usdoj.gov>, "Thomas (BOP) Kane" <(b)(6); (b)(7)(C)@usdoj.gov>
Subject: private prison teams

>>> "Woods, Rae (ODAG)" 02/02/2017 18:24 >>>
Tom and Judi,

(b)(5)

Thanks,
Rae

Judi Garrett

From: Judi Garrett
Sent: Wednesday, February 22, 2017 11:40 AM
To: David.Rybicki@usdoj.gov; Garrett, Judi (BOP); Kane, Thomas (BOP)
Cc: James.Crowell@usdoj.gov; Zachary.Terwilliger2@usdoj.gov
Subject: RE: Rescission of Yates Memo of Aug. 18, 2016, "Reducing Our Use of Private Prisons"

Thanks!

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Rybicki, David (OAG)" <David.Rybicki@usdoj.gov>
Date: 2/22/17 11:33 AM (GMT-05:00)
To: "Judi (BOP) Garrett" <(b)(6); (b)(7)(C)@usdoj.gov>, "Thomas (BOP) Kane" <(b)(6); (b)(7)(C)@usdoj.gov>
Cc: "James (ODAG) Crowell" <James.Crowell@usdoj.gov>, "Zachary (ODAG) Terwilliger" <Zachary.Terwilliger2@usdoj.gov>
Subject: Rescission of Yates Memo of Aug. 18, 2016, "Reducing Our Use of Private Prisons"

>>> "Rybicki, David (OAG)" 02/22/2017 11:33 >>>

Tom and Judi I wanted to alert you that the AG has signed a memorandum rescinding the above. This is moving through the channels now and should be public soon. Please let me know if you have any questions.

David

Thomas Kane

From: Thomas Kane
Sent: Wednesday, February 22, 2017 12:48 PM
To: David.Rybicki@usdoj.gov; Garrett, Judi (BOP); Kane, Thomas (BOP)
Cc: James.Crowell@usdoj.gov; Zachary.Terwilliger2@usdoj.gov
Subject: RE: Rescission of Yates Memo of Aug. 18, 2016, "Reducing Our Use of Private Prisons"

Many thanks, David.

Tom

Sent from my Verizon, Samsung Galaxy smartphone

Duplicate Email



Terwilliger, Zachary (ODAG)

From: Terwilliger, Zachary (ODAG)
Sent: Wednesday, March 01, 2017 9:12 PM
To: Woods, Rae (ODAG); (b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C); Zachary Terwilliger
Subject: RE: Phone calls with BOP

My apologies,

My schedule is a complete mess due to confirmation hearing prep for the Deputy Attorney General. I will work with Rae to get these scheduled and am very much looking forward to it.

Zach

From: Woods, Rae (ODAG) [mailto:Rae.Woods2@usdoj.gov]
Sent: Wednesday, March 1, 2017 4:04 PM
To: (b)(6); (b)(7)(C)
Cc: (b)(6); (b)(7)(C); Zachary Terwilliger <ZacharyTerwilliger@MDS.BOP.GOV>
Subject: Re: Phone calls with BOP

Yes that works for me. Thanks for your flexibility.

Rae

On Mar 1, 2017, at 4:00 PM, (b)(6); (b)(7)(C) wrote:

Hi Rae,

Thanks for that feedback. I just checked and I can move the conflict we have on Friday morning. Can you do 11:00 AM on March 3?

Thank you,

(b)(6); (b)(7)(C)

>>> "Woods, Rae (ODAG)" <Rae.Woods2@usdoj.gov> 3/1/2017 3:48 PM >>>

(b)(6); (b)(7)(C)

Could you please send alternate times for the call about the RFP process for the surveillance contract and RRC SOW timeline Unfortunately, I'm not available at that time on Friday afternoon. I have a meeting from 12:30-2:00pm and another from 3-3:30pm.

Zach, you are welcome to participate in this call as well, or I can back brief you.

Rae Woods
Associate Deputy Attorney General
U.S. Department of Justice
(202) 514-4995

On Mar 1, 2017, at 3:40 PM, (b)(6); (b)(7)(C) wrote:

[REDACTED]

Resending with a corrected time for March 3

Good Afternoon Rae,

Tom and Judi asked me to reach out to you with times for phone calls on private prisons and RRCs. It looks like the following will work for BOP:

Private Prisons, Thursday, March 2 at 1:00 PM

RRCs, Friday, March 3 at 12:30 PM

If those times work for you, please let me know and I can send appointments with call-in information.

Thank you,

(b)(6); (b)(7)
(C)

--

(b)(6); (b)(7)(C)

Federal Bureau of Prisons

202-307-3250 (office)

(b)(6); (b)(7) (direct)

Henderson, Charles V (ODAG)

From: Henderson, Charles V (ODAG)
Sent: Thursday, March 02, 2017 9:01 AM
To: (b)(6); (b)(7)(C)
Cc: Terwilliger, Zachary (ODAG); Woods, Rae (ODAG)
Subject: Conference Call: Private Prisons

Hello, (b)(6); (b)(7)(C)

It appears that scheduling this today may be rather difficult, but the options tomorrow would be 9:00 a.m. and 3:30 p.m. I will go ahead and arrange this for 9:00 tomorrow and adjust if the schedules change. I hope that this will work for you, and many thanks.

-Charles

From: Barnett, Gary (ODAG)
</o=usdoj/ou=external
(fydibohf25spdlt)/cn=recipients/cn=0dab659c36da4411a9543c5dbc04
f307>

To: Rybicki, David (CRM)
(b)(6) Per CRM

Cc:

Bcc:

Subject: Fwd: AG Prep Session Today

Date: Fri May 19 2017 11:19:47 EDT

Attachments: (b) (5)

9 - BOP Private Prisons.docx

ATT00001.htm

ATT00002.htm

ATT00003.htm

ATT00004.htm

ATT00005.htm

ATT00006.htm

(b) (5)

Begin forwarded message:

From: "Hudson, Andrew (OLP)" <ahudson@jmd.usdoj.gov>

Date: May 19, 2017 at 11:15:34 AM EDT

To: "Barnett, Gary (ODAG)" <gbarnett@jmd.usdoj.gov>, "Terwilliger, Zachary (ODAG)"
<zterwilliger@jmd.usdoj.gov>

Subject: AG Prep Session Today

Hey, guys,

Thanks for agreeing to join us in the briefing today. To give you a heads-up, here's the rough schedule (but it may, and likely will, shift around a bit between now and 3:45). We're going to plan for 3:45-6:30 (feel free to stay for the whole thing, or come and go as available or for the topics you cover for ODAG), and this is the order of topics so far:

(b) (5)

(b) (5)



(b) (5)



BOP: Private Prisons

(b) (5)



(b) (5)



- Drew



Davis, Valorie A (OLP)

From: Davis, Valorie A (OLP)
Sent: Monday, February 27, 2017 3:00 PM
To: Newman, Ryan (OLP)
Subject: Telephone Message: Jamie Tucker Akin and Gump Re: Time Sensitive- Sessions on Private Prisons (b) (6) Please call ASAP thank you.

Valorie Davis

U.S. Department of Justice
Office of Legal Policy
950 Pennsylvania Avenue, N.W.
Room 4250
Washington, D.C. 20530
Telephone: 202-305-0072

Terwilliger, Zachary (ODAG)

From: Terwilliger, Zachary (ODAG)
Sent: Friday, March 03, 2017 2:48 PM
To: Crowell, James (ODAG)
Subject: Private Prisons -FYSA

Jim,

I just wanted to let you know that I ran the private prison issue to the ground. (b) (5)

(b) (5)

(b) (5)

I have coordinated with David Rybicki in OAG and will do the same with Sam Ramer in OLA.

Thanks,
Zach

Zachary Terwilliger
Associate Deputy Attorney General
Office of the Deputy Attorney General
Zachary.Terwilliger2@usdoj.gov
(202) 307-1045 (Desk)
(b) (6) (Mobile)

Terwilliger, Zachary (ODAG)

From: Terwilliger, Zachary (ODAG)
Sent: Friday, March 03, 2017 9:01 AM
To: Zadrozny, John A. EOP/WHO
Subject: RE: Private Prisons Flag

John,

(b) (5)

Zach

From: Zadrozny, John A. EOP/WHO [mailto:John.A.Zadrozny@who.eop.gov]
Sent: Friday, March 3, 2017 8:58 AM
To: Terwilliger, Zachary (ODAG) <Zachary.Terwilliger2@usdoj.gov>
Subject: RE: Private Prisons Flag

(b) (5)

(b) (5) please don't hesitate to call me.

JZ

(b) (6)

w

c

From: Terwilliger, Zachary (ODAG) [mailto:Zachary.Terwilliger2@usdoj.gov]
Sent: Friday, March 3, 2017 8:53 AM
To: Zadrozny, John A. EOP/WHO <(b) (6)> Terwilliger, Zachary (ODAG) <Zachary.Terwilliger2@usdoj.gov>
Subject: RE: Private Prisons Flag

(b) (5)

Let

me circle back with you after my call which starts at 9.

From: Zadrozny, John A. EOP/WHO [mailto:(b) (6)]
Sent: Friday, March 3, 2017 8:46 AM
To: Terwilliger, Zachary (ODAG) <Zachary.Terwilliger2@usdoj.gov>
Subject: RE: Private Prisons Flag

(b) (5)

From: Zadrozny, John A. EOP/WHO
Sent: Friday, March 3, 2017 8:44 AM
To: 'Terwilliger, Zachary (ODAG)' <Zachary.Terwilliger2@usdoj.gov>
Subject: RE: Private Prisons Flag

Terwilliger, Zachary (ODAG)

From: Terwilliger, Zachary (ODAG)
Sent: Saturday, March 04, 2017 4:14 PM
To: Zadrozny, John A. EOP/WHO
Subject: Re: Private Prisons Flag

Perfect

On Mar 4, 2017, at 3:49 PM, Zadrozny, John A. EOP/WHO <(b) (6)> wrote:

Duplicate

Terwilliger, Zachary (ODAG)

From: Terwilliger, Zachary (ODAG)
Sent: Monday, March 06, 2017 11:08 AM
To: Rybicki, David (OAG); Cutrona, Danielle (OAG)
Subject: RE: Private Prisons Flag

Roger that. (b) (5) ...thanks for doing the heavy lifting.

From: Rybicki, David (OAG)
Sent: Monday, March 6, 2017 11:07 AM
To: Terwilliger, Zachary (ODAG) <zterwilliger@jmd.usdoj.gov>; Cutrona, Danielle (OAG) <dcutrona@jmd.usdoj.gov>
Subject: RE: Private Prisons Flag

Thanks man, spoke with JZ on Friday – (b) (5) (b) (5)

From: Terwilliger, Zachary (ODAG)
Sent: Monday, March 6, 2017 11:06 AM
To: Rybicki, David (OAG) <drybicki@jmd.usdoj.gov>; Cutrona, Danielle (OAG) <dcutrona@jmd.usdoj.gov>
Subject: FW: Private Prisons Flag

Danielle and David,
I ran this to ground with John and (b) (5) (b) (5)
(b) (5)

Zach

From: Zadrozny, John A. EOP/WHO [mailto:(b) (6)]
Sent: Monday, March 6, 2017 7:12 AM
To: Terwilliger, Zachary (ODAG) <Zachary.Terwilliger2@usdoj.gov>
Subject: RE: Private Prisons Flag

No worries, sir. (b) (6)
(b) (6)

I'm already at my desk and can talk today before 10:00 a.m., if you can. If that doesn't work, for the moment, I have space between noon and 4:00 p.m. We can also obviously postpone past Mr. Rosenstein's hearing tomorrow, if that works better (unless you need our urgent intervention today). I defer to you, so just let me know.

JZ
(b) (6)
W
C

From: Terwilliger, Zachary (ODAG) [mailto:Zachary.Terwilliger2@usdoj.gov]
Sent: Sunday, March 5, 2017 9:12 PM
To: Zadrozny, John A. EOP/WHO (b) (6)

(b) (6)
Subject: RE: Private Prisons Flag

John,

I am still at work and can talk now if you want? I am sorry I did not follow up earlier. I got here about 11, but have been (b) (5)

Zach

Zachary Terwilliger
Associate Deputy Attorney General &
Acting Chief of Staff to the Deputy Attorney General
Office of the Deputy Attorney General
Zachary.Terwilliger2@usdoj.gov
(202) 307-1045 (Desk)
(b) (6) (Mobile)

From: Zadrozny, John A. EOP/WHO [mailto:(b) (6)]
Sent: Saturday, March 4, 2017 3:48 PM
To: Terwilliger, Zachary (ODAG) <Zachary.Terwilliger2@usdoj.gov>
Subject: RE: Private Prisons Flag

Absolutely. (b) (6) but maybe after 11:00 a.m.?

JZ

w: (b) (6)

c: (b) (6)

From: Terwilliger, Zachary (ODAG) [mailto:Zachary.Terwilliger2@usdoj.gov]
Sent: Saturday, March 4, 2017 3:45 PM
To: Zadrozny, John A. EOP/WHO <(b) (6)>
Subject: Re: Private Prisons Flag

John,

I am in the middle of something. I plan to be at the office all day tomorrow. Can we chat tomorrow morning?

Zach

On Mar 4, 2017, at 2:15 PM, Zadrozny, John A. EOP/WHO <(b) (6)> wrote:

Zach:

Any chance you have a window between now and 4:00 p.m.? I am able to talk until 4:00 p.m. Can also talk tomorrow, if that's preferable.

JZ

w: (b) (6)

c: (b) (6)

From: Terwilliger, Zachary (ODAG) [<mailto:Zachary.Terwilliger2@usdoj.gov>]
Sent: Friday, March 3, 2017 9:00 PM
To: Zadrozny, John A. EOP/WHO <(b) (6)>
Subject: RE: Private Prisons Flag

Just tried your cell. Happy to catch up on this over the weekend.

From: Zadrozny, John A. EOP/WHO [[\(b\) \(6\)](mailto:(b) (6))]
Sent: Friday, March 3, 2017 8:44 AM
To: Terwilliger, Zachary (ODAG) <Zachary.Terwilliger2@usdoj.gov>
Subject: RE: Private Prisons Flag

Thanks, Zach.

(b) (5)

Call me if you want to discuss first. I'm around.

JZ
w
c:

From: Terwilliger, Zachary (ODAG) [<mailto:Zachary.Terwilliger2@usdoj.gov>]
Sent: Friday, March 3, 2017 8:32 AM
To: Zadrozny, John A. EOP/WHO <(b) (6)>
Cc: Cutrona, Danielle (OAG) <Danielle.Cutrona@usdoj.gov>; Rybicki, David (OAG) <David.Rybicki@usdoj.gov>
Subject: RE: Private Prisons Flag

John,
Please see attached.

Zach

Zachary Terwilliger
Associate Deputy Attorney General &
Acting Chief of Staff to the Deputy Attorney General
Office of the Deputy Attorney General
Zachary.Terwilliger2@usdoj.gov
(202) 307-1045 (Desk)
(b) (6) (Mobile)

From: Zadrozny, John A. EOP/WHO [[\(b\) \(6\)](mailto:(b) (6))]
Sent: Friday, March 3, 2017 7:09 AM
To: Terwilliger, Zachary (ODAG) <Zachary.Terwilliger2@usdoj.gov>

Cc: Cutrona, Danielle (OAG) <Danielle.Cutrona@usdoj.gov>; Rybicki, David (OAG) <David.Rybicki@usdoj.gov>
Subject: RE: Private Prisons Flag

Thanks, Zach.

JZ

w: (202) 456-4677

c: (b) (6)

From: Terwilliger, Zachary (ODAG) [<mailto:Zachary.Terwilliger2@usdoj.gov>]
Sent: Friday, March 3, 2017 7:05 AM
To: Zadrozny, John A. EOP/WHO (b) (6) >
Cc: Terwilliger, Zachary (ODAG) <Zachary.Terwilliger2@usdoj.gov>; Cutrona, Danielle (OAG) <Danielle.Cutrona@usdoj.gov>; Rybicki, David (OAG) <David.Rybicki@usdoj.gov>
Subject: Re: Private Prisons Flag

John,

Will do. I have calls on this at 9:00 am. Will send you the memo shortly.

Zach

On Mar 3, 2017, at 7:01 AM, Zadrozny, John A. EOP/WHO (b) (6) wrote:

10-4. (b) (5)

(b) (5)

JZ

w: (b) (6)

c:

-----Original Message-----

From: Terwilliger, Zachary (ODAG) [<mailto:Zachary.Terwilliger2@usdoj.gov>]
Sent: Thursday, March 2, 2017 9:11 PM
To: Zadrozny, John A. EOP/WHO (b) (6); Cutrona, Danielle (OAG) <Danielle.Cutrona@usdoj.gov>; Rybicki, David (OAG) <David.Rybicki@usdoj.gov>
Cc: Terwilliger, Zachary (ODAG) <Zachary.Terwilliger2@usdoj.gov>
Subject: RE: Private Prisons Flag

John,

Sorry for the delay. Just getting back to my email. Not sure if David or Danielle already closed the loop, but David and I have been in touch on the issue and is (b) (5)

Zach

-----Original Message-----

From: Zadrozny, John A. EOP/WHO [<mailto:John.A.Zadrozny@who.eop.gov>]

Sent: Thursday, March 2, 2017 6:18 PM

To: Cutrona, Danielle (OAG) <Danielle.Cutrona@usdoj.gov>; Rybicki, David (OAG) <David.Rybicki@usdoj.gov>

Cc: Terwilliger, Zachary (ODAG) <Zachary.Terwilliger2@usdoj.gov>

Subject: Private Prisons Flag

Danielle and David:

(b) (5)

Apologies if this made the rounds and I somehow missed it. (Please also feel free to call me if you prefer.)

John A. Zadrozny
Justice and Homeland Security
Domestic Policy Council
Executive Office of the President

w: (b) (6)

c: (b) (6)

Terwilliger, Zachary (ODAG)

From: Terwilliger, Zachary (ODAG)
Sent: Wednesday, April 05, 2017 10:29 AM
To: Rybicki, David (OAG)
Subject: RE: [REDACTED] (b) (5)

Left you a vm with follow up

From: Rybicki, David (OAG)
Sent: Wednesday, April 5, 2017 10:00 AM
To: Terwilliger, Zachary (ODAG) <zterwilliger@jmd.usdoj.gov>
Subject: FW: [REDACTED] (b) (5)

Let's talk about this pls

From: Cutrona, Danielle (OAG) [<mailto:dcutrona@jmd.usdoj.gov>]
Sent: Wednesday, April 5, 2017 9:07 AM
To: Zadrozny, John A. EOP/WHO <John.A.Zadrozny@who.eop.gov>
Cc: David Rybicki <David.Rybicki@usdoj.gov>
Subject: Re: [REDACTED] (b) (5)

David?

On Apr 5, 2017, at 8:57 AM, Zadrozny, John A. EOP/WHO <John.A.Zadrozny@who.eop.gov> wrote:

FYI:

[REDACTED] (b) (5)

John A. Zadrozny
Justice and Homeland Security
Domestic Policy Council
Executive Office of the President
w: [REDACTED] (b) (6)
c: [REDACTED]

Swanson, James

From: Swanson, James
Sent: Wednesday, March 1, 2017 11:23 AM
To: Terwilliger, Zachary (ODAG)
Subject: Fw: Hearing questions
Attachments: ROSENSTEIN HEARING QUESTIONS.docx

Sent from my BlackBerry 10 smartphone.

From: Swanson, James <James.Swanson@heritage.org>
Sent: Tuesday, February 28, 2017 3:26 PM
To: **b(6) Rod Rosenstein email**
Subject: Hearing questions @@f

Rod - Revised set of questions attached. New questions marked in italics. Does it look good for me to attend prep session tomorrow at 4:00PM? J.

James L. Swanson
Senior Legal Scholar
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-1505
heritage.org

ROSENSTEIN HEARING QUESTIONS

INDEPENDENCE OF YOUR OFFICE:

Sally Yates exhibited the highest standards of conduct and professionalism when she refused to follow President Trump's illegal order to ban Muslim immigration. For that she was fired. Do you agree with her that the order was unlawful?

If President Trump had ordered you to fire Sally Yates, would you have done so?

What is your opinion of Sally Yates's conduct?

As Deputy Attorney General, who would be your boss? Who do you work for? Is it Attorney General Sessions? President Trump? The American people? Or is it the Constitution of the United States?

Please give us a few examples of how you demonstrated your independence as the U.S. Attorney of Maryland.

You have been a prosecutor for years, and have worked for the government your entire career. Does that mean you will always side with the government against the people?

What can you say to assure us that you will not be a puppet or mouthpiece of President Trump or Attorney General Sessions?

What would you do if the White House or Attorney General Sessions asked you to carry out an action that you disagreed with? What if you reached a different legal conclusion?

What if it went beyond mere policy disagreement? What if the president or the attorney general asked you to do something that you believed was unlawful or even unconstitutional? Would you be their rubber stamp?

What would you do if you disagreed with a written opinion from the Office of Legal Counsel? Would you disregard it?

Would you defend an opinion of the Office of Legal Counsel that concluded that an action by the president or attorney general was wrong?

Would you ever carry out an unlawful or unconstitutional order?

Can you promise us today that you would resign rather than do such a thing?

Should the Department of Justice exhibit more independence from the president than any other cabinet department?

What do you see as the role of the Deputy Attorney General?

What will your priorities be as Deputy Attorney General?

Why do you wish to serve as Deputy Attorney General?

IMMIGRATION:

Was President Trump's Muslim ban unconstitutional? Would you have enforced his order? Was that original order flawed?

Do you deny that the order was a ban on Muslims? The U.S. Court of Appeals already said it was.

What about President Trump's second executive order that purported to skirt the ruling of the U.S. Court of Appeals for the 9th Circuit? Is that order lawful? Would you have drafted such an order?

Does President Trump have the legal authority to ban any individual or group from entering the United States? What is the source of that authority?

Doesn't President Trump's ban on Muslim immigration violate our cherished American values and First Amendment protection of religious liberty?

Did you still deny that the Executive Order was a religious test?

Why shouldn't states and localities have the right to protect non citizens from discrimination by designating sanctuary cities?

Is it lawful for the federal government to withhold funding and other benefits from sanctuary cities?

8 U.S.C. Section 1623 prohibits state colleges and universities from providing in state tuition to undocumented aliens unless they also offer the same rate to all U.S. citizens. The courts have determined that there is no private right to sue. Do you support in state tuition for undocumented aliens?

CRIMINAL JUSTICE REFORM:

Do you agree that too much innocent conduct by ordinary Americans has been over-criminalized by all-powerful and over-reaching federal and state governments?

Do you agree that today innocent people with no intention of committing a crime can find themselves entrapped by a web of vague and confusing statutes and regulations?

What will you do to streamline criminal justice to ensure that innocent people who are not wrongdoers don't find themselves unwitting victims of abusive prosecutors and unjust convictions?

Do you agree with the criminal justice reform efforts advocated by the conservative Heritage Foundation? You don't? Does that mean you disagree with Ronald Reagan's own Attorney General, Ed Meese, that far too much ordinary behavior has been criminalized?

What is your position on the Lacey Act, which subjects American citizens living in the United States to criminal convictions for alleged violations of obscure foreign laws?

What is your opinion of mandatory minimum sentences, and of so called "3 strikes" laws?

Do you support private prisons? Hasn't it been established that private prisons are substandard facilities where the rights of inmates are ignored?

Do you agree that Attorney General Sessions was right to reverse the Obama administration's decision to turn away from the use of private prisons?

President Trump has cited a number of dubious statistics about crime rates in America. Do you agree or disagree with the president?

Do you advocate the use of so-called "Stingrays"?

In what ways do you think criminal justice can be improved or reformed?

DEATH PENALTY:

Are you in favor of the death penalty?

As you know, the death penalty is applied unfairly against blacks, other racial minorities, and the poor. What do you intend to do about that?

We have all heard about the "Innocence Project." What percentage of defendants sentenced to death actually turn out to be innocent? How many death row inmates have been exonerated? Isn't that reason enough to never execute people?

What will you do to ensure that not one innocent person is put to death for a crime they did not commit?

Can you name one method of execution that is NOT cruel and unusual?

ASSET FORFEITURE:

As you know, in many instances law enforcement agencies have abused this enforcement tool by wrongly seizing the assets of law-abiding citizens who have committed no crime, are never convicted of a crime, but who must go to great effort and expense to recover their property that should never have been seized in the first place. Do you concede that the process of civil asset forfeiture has been abused?

What will you do make sure that the process of asset forfeiture is not abused at the federal or local level?

Should DOJ stop cooperating with local police departments on civil forfeiture?

DRUGS:

What is your view regarding the legalization of drugs?

What about marijuana?

What about medical marijuana?

Should the states be allowed to decriminalize drugs? Please discuss the conflict between the state and federal drug laws. Out of respect for federalism, should states be allowed to experiment by decriminalizing one or more drugs?

Will you use your office to fight against the efforts of states to legalize marijuana or any other drug?

Are sentences for drug use disproportionately harsh?

Are too many Americans especially African-Americans incarcerated for non-violent drug offenses?

VOTING RIGHTS AND VOTING RIGHTS ACT:

President Trump has claimed that people cast several million illegal votes in the last presidential election. Do you believe that is true?

Is voter fraud a real problem, or is it just a hoax?

Will the Department of Justice get to the bottom of this?

Do you agree that the purpose of voter ID laws is to target blacks and other minorities in an attempt to discourage them from voting?

Haven't voter ID laws reduced minority turnout?

As Deputy Attorney General, will you support the passage and enforcement of state voter ID laws that discriminate against blacks, racial minorities and the poor?

Is it the duty of the Department of Justice to protect the voting rights of all Americans?

The Voting Rights Act is under siege at the U.S. Supreme Court and in the states. What do you think of the opinion of the Court that watered down the Act?

As Deputy Attorney General, will protecting the Voting Rights Act be your priority?

BLACK LIVES MATTER AND POLICE SHOOTINGS:

African Americans increasingly view law enforcement with suspicion and fear. Do you believe that "Black Lives Matter"?

What will you do to restore the confidence of African Americans in law enforcement?

Do the police shoot too many African Americans?

Annually, how many Americans are shot by law enforcement officers? How many are killed? How many are wounded? Annually, how many African Americans are shot by the police? How many are killed? How many are wounded?

As a U.S. Attorney, did you ever encounter instances of unjustified shootings by the police? If so, tell us about them?

Do you believe that the police treat African Americans differently than other citizens? If so, what would you do to retrain law enforcement officers?

CONSENT DECREES:

Will you commit to leave intact any consent decrees that the Obama administration reached with local police departments across the country?

What criteria will you use to evaluate whether a consent decree against a police department shall remain in force?

F.B.I.:

Do you have confidence in director James Comey?

Do you believe that the F.B.I. influenced the outcome of the presidential election?

Do you agree with President Trump that the F.B.I. is the source of leaks to the media?

What plans do you have to restore public confidence in the F.B.I.?

What will you do to prevent leaks at any federal department or agency?

Will you commit to not prosecute government employed whistle blowers who expose wrongdoing by the administration?

INDEPENDENCE OF THE JUDICIARY:

What do you think of President Trump's assault on the integrity and independence of the judiciary? He has denigrated a judge by implying that the judge's Hispanic origins have influenced his conduct. He has insulted and defied judges on the 9th Circuit.

Are the president's comments proper?

Do you agree with them?

Are you willing to state for the record that it was improper for President Trump to impugn the integrity and independence of the federal judiciary?

Was it proper for the Senate to refuse to grant Judge Merrick Garland a hearing, and then an up or down vote, for a seat on the Supreme Court of the United States?

Did that behavior violate the Constitution?

What is your legal opinion of the filibuster?

Please give us your legal opinion on whether it takes no more than a simple majority vote of just 51 senators to confirm a judge or a Supreme Court Justice.

I assume that your office will play a role in the selection of nominees to be judges on the federal courts. What litmus tests will you apply to these candidates? Roe v. Wade? Gay marriage? The right to privacy? What else?

What would you do if President Trump ever refused to obey a ruling of the United States Supreme Court?

TRANSGENDER RIGHTS:

As Deputy Attorney General, do you promise to defend the rights of LGBT children?

Then how can you agree with President Trump's retraction of President Obama's order that allowed vulnerable, transgendered children who are already the victims of so much abuse to use public restrooms appropriate for their gender identity?

Would you have overturned President Obama's order?

What will you say to a ten-year-old transgendered child who is compelled to use a bathroom against their will?

“DEAR COLLEAGUE” LETTERS:

As you know, there is an epidemic of sexual assault taking place on our college campuses. No reasonable person can dispute these facts. Do you?

Would you support the retraction of the “Dear Colleague” letter that protects woman from sexual assault on our campuses?

RUSSIA:

Do you and the Attorney General have the necessary independence to investigate the Trump campaign’s contacts with the Russian government prior to the presidential election?

Should they be investigated? Will you investigate them?

Doesn’t Attorney General Sessions have a clear conflict of interest?

Will you advise the appointment of an independent counsel to investigate them?

NATIONAL SECURITY:

The Congress reformed Section 215 of FISA, the telephone metadata program. Do you support the Freedom Act, or do think the Congress went too far?

How will you balance the interests of the liberty and privacy of the American people against the needs of national security? Must we sacrifice one for the other?

What can you say to reassure members of the Muslim American community that they will not be unfairly targeted and harassed by the Department of Justice and federal law enforcement?

What will you do to protect Muslim Americans from hate crimes?

Do you support the reauthorization of Section 702 of FISA? Do you think Section 702 needs to be amended, and if so, how?

CHEVRON DEFERENCE:

Where do you stand on the doctrine of Chevron deference?

Do you believe that the regulatory agencies have overstepped their authority by issuing rules that have the effect of law, even though those rules and regulations have never been passed into law by Congress?

Would you support a legal challenge to Chevron deference that sought to get the Supreme Court to overturn the doctrine?

Why shouldn't the courts defer to agency expertise in applying the laws that protect the environment and our health and safety?

THE REGULATORY STATE:

A number of conservatives and libertarians embrace a radical theory called the "Lost Constitution," which says that our government has strayed far from the original limits and meaning of the Constitution. This theory says that very existence of the federal regulatory agencies represents an unconstitutional delegation of power by the executive branch and the Congress. Do you subscribe to this theory?

Are the federal regulatory agencies unconstitutional? Would you seek to abolish any of them?

COMMERCE CLAUSE:

The Commerce Clause of the Constitution gives Congress wide latitude and discretion to protect the American people by passing laws to prevent violence against women, to protect children from guns, to protect immigrants, and to protect the environment.

Do you support a broad interpretation of the Commerce Clause, or do you favor restricting it?

Has the Supreme Court interpreted the Clause correctly?

Do you agree with the holding in Raisch v Gonzalez, or with Justice Thomas's dissent? Why?

What in your view is the correct interpretation of the Commerce Clause?

FIRST AMENDMENT:

Do you share President Trump's view that the press, which safeguards our democracy and is protected by the First Amendment, is an enemy of the American people?

Will you exercise independence and resist any efforts by the Trump administration, or anyone else, to regulate freedom of speech and of the press?

Was *Citizens United* correctly decided? As Deputy Attorney General, will you advocate, support and defend new laws that allow unlimited campaign donations?

SECOND AMENDMENT:

Do you agree that gun violence is a problem in America?

As Deputy Attorney General, what steps will you take to prevent mass-shootings, school massacres and other forms of gun violence?

What reasonable methods of gun control do you support to save the lives of America's children?

The Fourth Circuit just held that assault weapons are not protected by the Second Amendment. Do you agree with that decision?

CONFLICTS OF INTEREST:

Is it the job of the Department of Justice to investigate financial conflicts of interest by the president?

Will you investigate such conflicts if brought to your attention? Or is the president above the law?

Woods, Rae (ODAG)

From: Woods, Rae (ODAG)
Sent: Wednesday, March 1, 2017 3:46 PM
To: (b)(6), (7)(C) per BOP
Cc: (b)(6), (7)(C) per BOP; Zachary Terwilliger
Subject: Re: Phone calls with BOP

Thanks (b)(6), (7)(C) per BOP Those times work for me. Zach can let us know if he needs you to propose alternate times.

Rae

On Mar 1, 2017, at 3:38 PM, (b)(6), (7)(C) per BOP <bop.gov> wrote:

Good Afternoon Rae,

Tom and Judi asked me to reach out to you with times for phone calls on private prisons and RRCs. It looks like the following will work for BOP:

Private Prisons, Thursday, March 2 at 1:00 PM

RRCs, Friday, March 3 at 11:00 AM

If those times work for you, please let me know and I can send appointments with call-in information.

Thank you,
(b)(6), (7)(C) per BOP

--
(b)(6), (7)(C) per BOP

Federal Bureau of Prisons
202-307-3250 (office)
(b) (6) direct

Woods, Rae (ODAG)

From: Woods, Rae (ODAG)
Sent: Thursday, March 2, 2017 8:45 AM
To: (b)(6), (7)(C) per BOP
Cc: Zachary (ODAG) Terwilliger; Henderson, Charles V (ODAG)
Subject: Re: New Time Proposed: Private Prisons/Phone call with Rae Woods

(b)(6), (7)(C) per BOP

I'm going to ask that we coordinate schedules through Charles Henderson, our assistant, who will propose some times that work for Zach and me. I'm following up with Charles now.

Rae Woods
Associate Deputy Attorney General
U.S. Department of Justice
(202) 514-4995

On Mar 2, 2017, at 8:43 AM, (b)(6), (7)(C) per BOP <[bop.gov](mailto:(b)(6), (7)(C) per BOP@bop.gov)> wrote:

Good Morning Rae and Zach,

We can make the time change for the Private Prisons call from 1:00 PM to 1:30 PM this afternoon happen on our end. Would you please just send me a confirmation that you want the change?

thank you,

(b)(6), (7)(C) per BOP

--

(b)(6), (7)(C) per BOP

Federal Bureau of Prisons
202-307-3250 (office)

(b) (6) (direct)

>>> "Terwilliger, Zachary (ODAG)" <Zachary.Terwilliger2@usdoj.gov> 3/1/2017 7:07 PM
>>>

Rosenstein, Rod (USAMD)

From: Rosenstein, Rod (USAMD)
Sent: Monday, March 20, 2017 5:58 PM
To: Tyson, Jill C. (OLA) (JMD)
Cc: Terwilliger, Zachary (ODAG) (JMD); Ramer, Sam (OLA) (JMD)
Subject: FW: Signed letter
Attachments: Questions For the Record - Rod J. Rosenstein - FINAL - 3.20.2017.pdf;
2017_03_20_14_55_15.pdf; Grassley-FeinsteinLtr 3.20.17.pdf.pdf

From: Murphy, Marcia (USAMD)
Sent: Monday, March 20, 2017 5:57 PM
To: Rosenstein, Rod (USAMD) <(b)(6) Rod Rosenstein email address>
Subject: Signed letter



U.S. Department of Justice

*United States Attorney
District of Maryland*

*Rod J. Rosenstein
United States Attorney*

*Suite 400
36 S. Charles Street
Baltimore, MD 21201-3119*

*DIRECT: 410-209-4800
MAIN: 410-209-4800
FAX: 410-962-3091*

March 20, 2017

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Grassley and Ranking Member Feinstein:

Enclosed please find responses to Questions for the Record that I received from Ranking Member Feinstein, as well as Senators Leahy, Durbin, Whitehouse, Klobuchar, and Coons following my appearance before the Senate Judiciary Committee on March 7, 2017.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rod J. Rosenstein", with a long horizontal line extending to the right.

Rod J. Rosenstein

Enclosures

**QUESTIONS FOR THE RECORD
ROD J. ROSENSTEIN
NOMINEE TO BE DEPUTY ATTORNEY GENERAL**

QUESTIONS FROM SENATOR LEAHY

Non-Responsive Record

Non-responsive record

16. As we discussed in our meeting, if you are confirmed, you will oversee the federal Bureau of Prisons (BOP) and be responsible for ensuring that almost 200,000 federal inmates are treated in a humane fashion.

When I was Chairman of the Subcommittee on the Constitution, Civil Rights, and Human Rights, I held two hearings on the human rights, fiscal, and public safety consequences of solitary confinement. Anyone who heard the chilling testimony of Anthony Graves and Damon Thibodeaux—exonerated inmates who each spent more than a decade in solitary confinement—knows that this is a critical human rights issue that we must address.

In light of the mounting evidence of the harmful—even dangerous—impacts of solitary confinement, states around the country have led the way in reassessing the practice. Progress has been made at the federal level as well. Last year, the Justice Department issued a report on the use of restricted housing in the federal prison system, and BOP has begun to implement a number of the report’s recommendations for reform. However, there are still approximately 10,000 federal inmates in segregation.

- a. **Do you believe that long-term solitary confinement can have a dangerous impact on inmates?**

RESPONSE: Prison officials must be able to secure offenders and prevent them from disrupting operations and harming correctional employees and other inmates. If confirmed, I will work closely with BOP about how best to handle dangerous prisoners.

- b. **Will you commit that, if you are confirmed, you will examine the evidence and work with BOP to make further improvements in the area of restricted housing?**

RESPONSE: If I am confirmed, I will work with BOP and others in the Department to ensure that inmates are held in appropriate housing conditions.

17. Deputy Attorney General Sally Yates issued a memo in August 2016 to begin the process of phasing out BOP’s use of private prisons. In the memo, she cited an August 2016 DOJ Inspector General (IG) report that found that private contract facilities used by BOP do not maintain the same level of safety and security as BOP-run facilities (<https://oig.justice.gov/reports/2016/e1606.pdf>). Specifically, the IG

noted that private facilities “had more frequent incidents per capita of contraband finds, assaults, uses of force, lockdowns, guilty findings on inmate discipline charges, and selected categories of grievances.” The IG also found that some of the facilities improperly housed new inmates in solitary confinement. Despite this evidence, the Attorney General recently issued a memo that directed BOP to “return to its previous approach.”

a. Do you accept the IG’s findings?

RESPONSE: I have no independent basis of knowledge about the Inspector General’s findings and am not in a position to comment. I am committed to ensuring that all BOP facilities are safe, secure, and humane.

b. Do you believe that there is a need for private prisons in the federal prison system?

RESPONSE: It is my understanding that the goal is to maintain the Bureau of Prisons’ flexibility to manage the federal inmate population based upon capacity needs, consistent with the need to ensure safety, security, and effective reentry programming. Whether private or public, detention facilities should be humane, secure, and safe for prisoners and staff.

c. If confirmed, what steps will you take to ensure that these problematic facilities operate in a manner that ensures the safety and security of all inmates and staff?

RESPONSE: I am committed to ensuring that all BOP facilities are safe, secure, and humane. I will decide upon specific steps after a careful analysis of the issues.

Non-responsive record

Judi Garrett

From: Judi Garrett
Sent: Thursday, March 30, 2017 10:45 AM
To: Iris.Lan3@usdoj.gov; Matthew (ODAG) Sheehan
Cc: Zachary.Terwilliger2@usdoj.gov
Subject: RE: close-hold & time-sensitive
Attachments: additional BOP sites for EOIR IJ Hearings 20Mar2017 v3.pptx

Matt, here you go. The locations are correct. (b) (5) Also, you

(b) (5)

wasn't sure if you wanted to retain that note. (b) (5)

Thanks and let me know if you have any questions. Thanks.

>>> "Sheehan, Matthew (ODAG)" <Matthew.Sheehan@usdoj.gov> 3/30/2017 9:30 AM >>>

Judi,

We previously received the attached PowerPoint from (b) (6), (7)(C) per BOP

(b) (5)

(b) (5)

Thanks,

Matt

From: Judi Garrett (b)(6), (7)(C) per BOP [usdoj.gov]
Sent: Thursday, March 30, 2017 8:46 AM
To: Iris.Lan3@usdoj.gov
Cc: Matthew.Sheehan@usdoj.gov; Zachary.Terwilliger2@usdoj.gov
Subject: RE: close-hold & time-sensitive

Perfect. I apologize but one more....Earlier in the document the program is described as operating in federal correctional facilities but as noted in the bullets it's in privates too. (b) (5)

(b) (5)

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Lan, Iris (ODAG)" <Iris.Lan3@usdoj.gov>
Date: 3/30/17 8:39 AM (GMT-05:00)
To: Judi Garrett (b)(6), (7)(C) per BOP [usdoj.gov]
Cc: Matthew.Sheehan@usdoj.gov, Zachary.Terwilliger2@usdoj.gov
Subject: RE: close-hold & time-sensitive

>>> "Lan, Iris (ODAG)" 03/30/2017 08:39 >>>

(b) (5)

From: Judi Garrett (b)(6), (7)(C) per BOP [redacted]@pop.gov]
Sent: Thursday, March 30, 2017 8:38 AM
To: Iris.Lan3@usdoj.gov
Cc: Matthew.Sheehan@usdoj.gov; Zachary.Terwilliger2@usdoj.gov
Subject: RE: close-hold & time-sensitive

Thanks Can you send me whole paragraph with edit please?

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Lan, Iris (ODAG)" <Iris.Lan3@usdoj.gov>
Date: 3/30/17 8:35 AM (GMT-05:00)
To: Judi Garrett (b)(6), (7)(C) per BOP [redacted]@pop.gov>
Cc: Matthew.Sheehan@usdoj.gov, Zachary.Terwilliger2@usdoj.gov
Subject: RE: close-hold & time-sensitive

>>> "Lan, Iris (ODAG)" 03/30/2017 08:35 >>>

Judi – How about this – (b) (5)

(b) (5)

From: Judi Garrett (b)(6), (7)(C) per BOP [redacted]@pop.gov]
Sent: Thursday, March 30, 2017 8:30 AM
To: Iris.Lan3@usdoj.gov; Garrett, Judi (BOP (b)(6), (7)(C) per BOP [redacted]@usdoj.gov)>
Cc: Matthew.Sheehan@usdoj.gov; Zachary.Terwilliger2@usdoj.gov
Subject: RE: close-hold & time-sensitive

Sorry, we made same error....Last sentence of our suggested language (b) (5)

(b) (5)

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Judi Garrett (b)(6), (7)(C) per BOP [redacted]@pop.gov>
Date: 3/30/17 8:22 AM (GMT-05:00)
To: Iris.Lan3@usdoj.gov, (b)(6), (7)(C) per BOP [redacted]@usdoj.gov
Cc: Matthew.Sheehan@usdoj.gov, Zachary.Terwilliger2@usdoj.gov
Subject: RE: close-hold & time-sensitive

subject: RE: close-hold & time-sensitive

>>> "Judi Garrett" 03/30/2017 08:22 >>>

Thanks Iris. The modifications are fine. In general the document looks great although we think one clarification might be needed, subject to input from EOIR.

(b) (5)

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Lan, Iris (ODAG)" <Iris.Lan3@usdoj.gov>
Date: 3/30/17 8:10 AM (GMT-05:00)
To: "Judi (BOP) Garrett" <[\[REDACTED\]@usdoj.gov](mailto:[REDACTED]@usdoj.gov)>
Cc: "Matthew (ODAG) Sheehan" <Matthew.Sheehan@usdoj.gov>, "Zachary (ODAG) Terwilliger" <Zachary.Terwilliger2@usdoj.gov>
Subject: RE: close-hold & time-sensitive

>>> "Lan, Iris (ODAG)" 03/30/2017 08:10 >>>

Judi:

Please review the attached version instead. We made two changes (highlighted in yellow).

Glad to discuss if helpful.

Thanks,
Iris

From: Lan, Iris (ODAG)
Sent: Wednesday, March 29, 2017 8:52 PM
To: Garrett, Judi (BOP) <[\[REDACTED\]@usdoj.gov](mailto:[REDACTED]@usdoj.gov)>
Cc: Terwilliger, Zachary (ODAG) <zterwilliger@jmd.usdoj.gov>; Sheehan, Matthew (ODAG) <msheehan@jmd.usdoj.gov>
Subject: close-hold & time-sensitive
Importance: High

Judi:

Attached please find draft IHP announcement. (b) (5)
[REDACTED] Glad also to discuss offline if helpful – just let us know.

Thanks,
Iris

Roberts, Samantha (Rubio)

From: Roberts, Samantha (Rubio)
Sent: Thursday, April 13, 2017 5:09 PM
To: Zachary.Terwilliger2@usdoj.gov
Subject: BOP CAR 16 Procurement Question
Attachments: Sessions Rescind Yates Memo 2-21-17.pdf

Hi Zach—

Hope you are doing well! I'm not sure if you remember/recognize my name, but I previously worked for Kelly Ayotte and am now in Senator Rubio's office. I also think we share mutual friends on and off the Hill (can discuss later!).

I wanted to reach out on a BOP Criminal Alien Requirement (CAR) program procurement that BOP is moving forward with despite the Attorney General's effective suspension of that procurement when he rescinded an Obama administration directive back in February. At all familiar with this? Any concern that BOP is moving forward in direct contravention to the Attorney General's directive?

(The attached memo from Attorney General Sessions is what I'm referring to...)

Thanks for any insight!

Sam

(b) (6) (cell)



Office of the Attorney General

Washington, D. C. 20530

February 21, 2017

MEMORANDUM FOR THE ACTING DIRECTOR
FEDERAL BUREAU OF PRISONS

FROM: Jefferson B. Sessions III
Attorney General

A handwritten signature in black ink, appearing to read "Jefferson B. Sessions III", written over the printed name.

SUBJECT: Rescission of Memorandum on Use of Private Prisons

I hereby rescind the memorandum dated August 18, 2016, sent to you by former Deputy Attorney General Sally Q. Yates, entitled "Reducing our Use of Private Prisons." In that memorandum, former DAG Yates directed "that, as each contract reaches the end of its term, the Bureau should either decline to renew that contract or substantially reduce its scope in a manner consistent with law and the overall decline of the Bureau's inmate population." The memorandum changed long-standing policy and practice, and impaired the Bureau's ability to meet the future needs of the federal correctional system. Therefore, I direct the Bureau to return to its previous approach.

cc: Lee Lofthus, Assistant Attorney General for Administration

Judi Garrett

From: Judi Garrett
Sent: Friday, April 21, 2017 11:06 AM
To: Zachary Terwilliger
Cc: Thomas Kane
Subject: Achievements in the first 100 days

Zach,

In response to your request Tom and I offer the following accomplishments for your consideration. Please let us know if you need anything else.

IHP: (b) (5)

(b) (5)

Private Prisons: (b) (5)

(b) (5)

Community safety: (b) (5)

(b) (5)

Sent from my Verizon, Samsung Galaxy smartphone

Mizelle, Chad (ODAG)

From: Mizelle, Chad (ODAG)
Sent: Friday, April 21, 2017 2:28 PM
To: Lan, Iris (ODAG); Sheehan, Matthew (ODAG)
Cc: Zachary.Terwilliger2@usdoj.gov
Subject: RE: Current Public Safety EO Draft
Attachments: EO Draft Report 4.20.17 (sjb).AEF.DOCX

This is cleared by them.

-----Original Message-----

From: Lan, Iris (ODAG)
Sent: Friday, April 21, 2017 2:16 PM
To: Sheehan, Matthew (ODAG) <msheehan@jmd.usdoj.gov>
Cc: Mizelle, Chad (ODAG) <cmizelle@jmd.usdoj.gov>; Zachary.Terwilliger2@usdoj.gov
Subject: Re: Current Public Safety EO Draft

(b) (5) Thanks again.

> On Apr 21, 2017, at 10:29 AM, Sheehan, Matthew (ODAG) <msheehan@jmd.usdoj.gov> wrote:

>
> (b) (5)

> -----Original Message-----

> From: Mizelle, Chad (ODAG)
> Sent: Friday, April 21, 2017 11:20 AM
> To: Lan, Iris (ODAG) <irlan@jmd.usdoj.gov>
> Cc: Sheehan, Matthew (ODAG) <msheehan@jmd.usdoj.gov>; Zachary.Terwilliger2@usdoj.gov
> Subject: Re: Current Public Safety EO Draft

> (b) (5)

>> On Apr 21, 2017, at 11:13 AM, Lan, Iris (ODAG) <irlan@jmd.usdoj.gov> wrote:

>> (b) (5)

Thanks all.

>>
>> <EO Draft Report 4.20.17-1.docx>
>>

From: Judi Garrett
 Sent: Tuesday, April 25, 2017 2:24 PM
 To: Garrett, Judi (BOP); Kane, Thomas (BOP); Zachary Terwilliger
 Subject: FW: RE: DIG's report of unclassified/non-sensitive, not closed recommendations

Will do

>>> "Terwilliger, Zachary (ODAG)" <Zachary.Terwilliger2@usdoj.gov> 4/25/2017 2:09 PM >>>

Judi,

Can BOP confirm if these are accurate? If you can provide an answer by COB tomorrow, that would be great.

Thanks,
 Zach

17-20	Audit of the Federal Bureau of Prisons' Contract No. DJBP0616BPA12004 Awarded to Spectrum Services Group, Inc., Victorville, California	BOP	03/28/2017	1	Resolved	Work with SSGI to identify and implement a more timely vetting process for new candidates or take other action sufficient to reduce or eliminate extended vacancies. Among the actions BOP should consider is the feasibility of moving its Dental Assistants to a 40-hour schedule.
17-20	Audit of the Federal Bureau of Prisons' Contract No. DJBP0616BPA12004 Awarded to Spectrum Services Group, Inc., Victorville, California	BOP	03/28/2017	2	Resolved	Ensure that FCC Victorville program stafffully assesses FCC Victorville's dental program needs prior to soliciting future contracts for Dental Assistants. The needs analysis should include, at a minimum, a review of the FCC Victorville inmate population, the wait time for routine dental services, and input from the facilities' dental program personnel.
17-20	Audit of the Federal Bureau of Prisons' Contract No. DJBP0616BPA12004 Awarded to Spectrum Services Group, Inc., Victorville, California	BOP	03/28/2017	3	Resolved	Ensure that FCC Victorville personnel follow established policies and procedures regarding the entry of contractors into the correctional facilities within FCC Victorville.
17-20	Audit of the Federal Bureau of Prisons' Contract No. DJBP0616BPA12004 Awarded to Spectrum Services Group, Inc., Victorville, California	BOP	03/28/2017	4	Resolved	Ensure that BOP FCC Victorville personnel periodically review contract employee timesheets and compare them to the facilities' contractor logs to verify the accuracy of the reported hours.
17-20	Audit of the Federal Bureau of Prisons' Contract No. DJBP0616BPA12004 Awarded to Spectrum Services Group, Inc., Victorville, California	BOP	03/28/2017	5	Resolved	Ensure that Dental Assistants are required to record on their timesheets the facility in which they work, or implement a similar procedure for Dental Assistants to identify the correctional facility where they worked.
17-20	Audit of the Federal Bureau of Prisons' Contract No. DJBP0616BPA12004 Awarded to Spectrum Services Group, Inc., Victorville, California	BOP	03/28/2017	6	Resolved	Ensure that SSGI remedy the underpayment of hourly wages in the amount of \$1,024 to the Dental Assistants employed under this contract.
17-20	Audit of the Federal Bureau of Prisons' Contract No. DJBP0616BPA12004 Awarded to Spectrum Services Group, Inc., Victorville, California	BOP	03/28/2017	7	Resolved	Ensure that SSGI remedy the underpayment of Health and Welfare Benefits in the amount of \$976 to its Dental Assistants that were employed under this contract.
17-20	Audit of the Federal Bureau of Prisons' Contract No. DJBP0616BPA12004 Awarded to Spectrum Services Group, Inc., Victorville, California	BOP	03/28/2017	8	Resolved	Ensure that BOP ensures that SSGI applies the correct DOL wage determination schedules related to Health and Welfare Benefit rates.
17-20	Audit of the Federal Bureau of Prisons' Contract No. DJBP0616BPA12004 Awarded to Spectrum Services Group, Inc., Victorville, California	BOP	03/28/2017	9	Resolved	Retain all documentation used to support the decision to award current and future contracts, in accordance with FAR Subpart 4.801(b)(1).
17-08	Audit of the Federal Bureau of Prisons' Contract with CoreCivic, Inc. to Operate the Adams County Correctional Center in Natchez, Mississippi	BOP	12/19/2016	1	Resolved	Modify the contract to provide specific procedures for CoreCivic to follow for measuring and reporting staffing levels so that the BOP will be able to monitor the extent to which required stations are actually covered.
17-08	Audit of the Federal Bureau of Prisons' Contract with CoreCivic, Inc. to Operate the Adams County Correctional Center in Natchez, Mississippi	BOP	12/19/2016	2	Resolved	Amend the contract modification that specified minimum levels of Spanish-speaking staff to incorporate specific deadlines for compliance, remedies for noncompliance, and the specific level of Spanish proficiency desired.
17-08	Audit of the Federal Bureau of Prisons' Contract with CoreCivic, Inc. to Operate the Adams County Correctional Center in Natchez, Mississippi	BOP	12/19/2016	3	Resolved	Evaluate the extent to which employee qualification levels and turnover rates affect safety and security concerns, and whether its contractual terms should be modified to address those concerns.
17-08	Audit of the Federal Bureau of Prisons' Contract with CoreCivic, Inc. to Operate the Adams County Correctional Center in Natchez, Mississippi	BOP	12/19/2016	4	Resolved	Ensure that CoreCivic reports the staffing levels for the entire staffing plan or its monthly invoices, to include positions filled by subcontractors and subsidiaries, as required by the contract.
17-08	Audit of the Federal Bureau of Prisons' Contract with CoreCivic, Inc. to Operate the Adams County Correctional Center in Natchez, Mississippi	BOP	12/19/2016	5	Resolved	Remedy \$42,300 in questioned costs related to overstated invoices submitted by the contractor for August 2010 through November 2015.
17-08	Audit of the Federal Bureau of Prisons' Contract with CoreCivic, Inc. to Operate the Adams County Correctional Center in Natchez, Mississippi	BOP	12/19/2016	6	Resolved	Implement additional administrative remedy procedures for its contract prisons to ensure that inmates are afforded fair opportunities to appeal their grievances to the BOP Regional Director and General Counsel, or other equivalent BOP levels outside of the inmates' local facilities.
17-08	Audit of the Federal Bureau of Prisons' Contract with CoreCivic, Inc. to Operate the Adams County Correctional Center in Natchez, Mississippi	BOP	12/19/2016	7	Resolved	Review all available guidance for performance-based acquisitions and implement additional, objectively measurable performance standards that can be effectively assessed for each contract requirement pertaining to staffing, inmate grievances, and food services.
17-08	Audit of the Federal Bureau of Prisons' Contract with CoreCivic, Inc. to Operate the Adams County Correctional Center in Natchez, Mississippi	BOP	12/19/2016	8	Resolved	Develop and implement mandatory procedures for calculating invoice deductions to ensure that deductions are computed consistently and do not inappropriately allow unfavorable contractor performance.
17-08	Audit of the Federal Bureau of Prisons' Contract with CoreCivic, Inc. to Operate the Adams County Correctional Center in Natchez, Mississippi	BOP	12/19/2016	9	Resolved	Implement additional invoice verification procedures to ensure that CoreCivic has complied with all contract requirements related to billings and has accurately calculated and reported all necessary deductions.
17-02	Audit of the Federal Bureau of Prisons Annual Financial Statements Fiscal Year 2016	BOP	11/17/2016	1	Resolved	Modify BRPMS to prevent a similar error from occurring in the future.
17-02	Audit of the Federal Bureau of Prisons Annual Financial Statements Fiscal Year 2016	BOP	11/17/2016	2	Resolved	Add a reconciliation of United States Standard General Ledger (USSGL) accounts 679000.30, Other Expenses - Renovations - Salaries and Expenses, and 661000.30, Cost Capitalization Office - SRPMS Salaries and Expenses, to the monthly proof check reconciliation to identify any errors using the Salaries and Expense acquisition method.
17-02	Audit of the Federal Bureau of Prisons Annual Financial Statements Fiscal Year 2016	BOP	11/17/2016	3	Resolved	Add a variance analysis with an expectation level by the Institution, Region Office, and Central Office levels designed to catch errors of this magnitude.
17-02	Audit of the Federal Bureau of Prisons Annual Financial Statements Fiscal Year 2016	BOP	11/17/2016	4	Resolved	Develop documented policies, procedures, and protocols that define appropriate action when errors in issued financial statements are identified.
17-02	Audit of the Federal Bureau of Prisons Annual Financial Statements Fiscal Year 2016	BOP	11/17/2016	5	Resolved	Establish a training program to ensure that all levels of BOP Finance (Institution, Regional Office, and Central Office) have appropriate knowledge of the Federal Accounting Standards Advisory Board and GAO standards, as well as OMB circulars and regulations, to address complex accounting and financial reporting issues.

17-01	Audit of the Federal Bureau of Prisons Annual Financial Statements Fiscal Year 2016	BOP	11/14/2016	1	Resolved	We recommend that BOP reevaluate its RRC and home confinement placement practices, particularly related to minimum and low security inmates, to ensure that they are consistent with BOP's own policies and the relevant research.
17-01	Audit of the Federal Bureau of Prisons' Management of Inmate Placements in Residential Reentry Centers and Home Confinement	BOP	11/14/2016	2	Resolved	We recommend that BOP reevaluate its practices related to transitioning inmates from RRCs to home confinement as a means to address RRC capacity issues.
17-01	Audit of the Federal Bureau of Prisons' Management of Inmate Placements in Residential Reentry Centers and Home Confinement	BOP	11/14/2016	3	Resolved	We recommend that BOP reevaluate the availability of alternatives to RRC placement, including consideration of increasing direct home confinement placement and home confinement monitoring capacity.
17-01	Audit of the Federal Bureau of Prisons' Management of Inmate Placements in Residential Reentry Centers and Home Confinement	BOP	11/14/2016	4	Resolved	We recommend that BOP develop performance measures that assess the efficacy of its RRC and home confinement programming.
17-01	Audit of the Federal Bureau of Prisons' Management of Inmate Placements in Residential Reentry Centers and Home Confinement	BOP	11/14/2016	5	Resolved	We recommend that BOP create an RRC contractor quality monitoring instrument that assesses the quality and effectiveness of its RRCs and home confinement programs.
16-07	Review of the Federal Bureau of Prisons' Release Preparation Program	BOP	08/30/2016	1	Resolved	Establish a standardized list of courses, covering at least the Release Preparation Program's core categories, as designated by the BOP, to enhance the consistency of Release Preparation Program curricula across BOP institutions.
16-07	Review of the Federal Bureau of Prisons' Release Preparation Program	BOP	08/30/2016	2	Resolved	Consider implementing the use of validated assessment tools to assess specific inmate programming needs.
16-07	Review of the Federal Bureau of Prisons' Release Preparation Program	BOP	08/30/2016	3	Resolved	Use evaluation firms to collect feedback from inmates about the Release Preparation Program courses they attend to facilitate improvement.
16-07	Review of the Federal Bureau of Prisons' Release Preparation Program	BOP	08/30/2016	4	Resolved	Develop and implement quality control for Release Preparation Program courses across all institutions.
16-07	Review of the Federal Bureau of Prisons' Release Preparation Program	BOP	08/30/2016	5	Resolved	Explore the use of incentives and other methods to increase inmate participation and completion rates for the institution Release Preparation Programs.
16-07	Review of the Federal Bureau of Prisons' Release Preparation Program	BOP	08/30/2016	6	Resolved	Engage with other federal agencies to assess the feasibility and efficacy of establishing national memoranda of understanding to ensure inmates have timely and continuous access to federal services.
16-07	Review of the Federal Bureau of Prisons' Release Preparation Program	BOP	08/30/2016	7	Resolved	Establish a mechanism to assess the extent that, through the Release Preparation Program, inmates gain relevant skills and knowledge to prepare them for successful reentry to society.
16-06	Review of the Federal Bureau of Prisons' Monitoring of Contract Prisons	BOP	08/10/2016	1	Resolved	Convene a working group of BOP subject matter experts to evaluate why contract prisons had more safety and security incidents per capita than BOI institutions in a number of key indicators, and identify appropriate action, if necessary.
16-06	Review of the Federal Bureau of Prisons' Monitoring of Contract Prisons	BOP	08/10/2016	2	Resolved	Verify on a more frequent basis that inmates receive basic medical services such as initial medical exams and immunizations.
16-06	Review of the Federal Bureau of Prisons' Monitoring of Contract Prisons	BOP	08/10/2016	4	Resolved	Reevaluate the checklist and review it on a regular basis with input from subject matter experts to ensure that observation steps reflect the most important activities for contract compliance and that monitoring and documentation requirements and expectations are clear, including for observation steps requiring monitors to engage in trend analysis.
16-05	Review of the Federal Bureau of Prisons' Contraband Interdiction Efforts	BOP	06/23/2016	1	Resolved	Develop TRUNTEL (redacted and sensitive) as a comprehensive data collection capability that consistently accounts for all contraband recovered, regardless of where it was discovered or the institution's security level.
16-05	Review of the Federal Bureau of Prisons' Contraband Interdiction Efforts	BOP	06/23/2016	10	Resolved	Assess the needs and requirements for Cellular Telephone Laboratory reports and implement changes to ensure their usefulness in contraband investigations.
16-05	Review of the Federal Bureau of Prisons' Contraband Interdiction Efforts	BOP	06/23/2016	11	Resolved	Evaluate the existing security camera system to identify needed upgrades, including to ensure (redacted and sensitive).
16-05	Review of the Federal Bureau of Prisons' Contraband Interdiction Efforts	BOP	06/23/2016	2	Resolved	Provide institution staff, both corrections and Special Investigative Supervisors, with data collection guidelines and requirements for comprehensively identifying and inputting recovered contraband into TRUNTEL (redacted and sensitive).
16-05	Review of the Federal Bureau of Prisons' Contraband Interdiction Efforts	BOP	06/23/2016	3	Resolved	Develop uniform guidelines and criteria for conducting random staff pat searches across all institutions that require a minimum frequency and duration for search events to ensure that appropriate numbers of staff on each shift are searched with appropriate frequency.
16-05	Review of the Federal Bureau of Prisons' Contraband Interdiction Efforts	BOP	06/23/2016	4	Resolved	Define what quantities, if any, of tobacco and related tobacco products should be authorized for staff to bring into institutions for personal use.
16-05	Review of the Federal Bureau of Prisons' Contraband Interdiction Efforts	BOP	06/23/2016	5	Resolved	Restrict the size and content of personal property that staff may bring into BOP institutions.
16-05	Review of the Federal Bureau of Prisons' Contraband Interdiction Efforts	BOP	06/23/2016	6	Resolved	Establish procedures whereby all post-declaration items discovered during staff screening procedures are documented, along with the identity of the staff member involved, as well as more explicit guidelines for when the item should be confiscated and when such instances or a series of them should be referred for investigation and corrective action.
16-05	Review of the Federal Bureau of Prisons' Contraband Interdiction Efforts	BOP	06/23/2016	7	Resolved	Evaluate and standardize the selection method for front lobby officers across BOP institutions to ensure that qualified and appropriately trained officers serve in these critical positions.
16-05	Review of the Federal Bureau of Prisons' Contraband Interdiction Efforts	BOP	06/23/2016	8	Resolved	Review all SecurPASS guidance to ensure that requirements for cross-gender viewing of scanned images are clear and consistent and that inmates are prohibited from viewing scanned images, and revise the instructions for staff to clarify that the latter prohibition is not limited to cross-gender screening.
16-05	Review of the Federal Bureau of Prisons' Contraband Interdiction Efforts	BOP	06/23/2016	9	Resolved	Revise existing Millimeter Wave Scanner training materials to ensure that they address (redacted and sensitive).
16-04	The Federal Bureau of Prisons' Reimbursement Rates for Outside Medical Care	BOP	06/08/2016	1	Resolved	Convene a working group of officials from the Department, BOP, and other federal agencies, as necessary, to consider potential legislative options to improve the BOP's ability to manage reimbursement rates for medical care, including potential amendments to the Social Security Act.
16-04	The Federal Bureau of Prisons' Reimbursement Rates for Outside Medical Care	BOP	06/08/2016	2	Resolved	Convene a working group of officials from the Department, the BOP, and other federal and state agencies that pay for medical care, as necessary, to consider additional guidance and expertise as the BOP seeks to manage its medical costs.
16-04	The Federal Bureau of Prisons' Reimbursement Rates for Outside Medical Care	BOP	06/08/2016	3	Resolved	Improve the collection and analysis of utilization data for inmate medical care to better understand the services that inmates need and the impact it has on the BOP's medical spending.
16-03	Review of the Federal Bureau of Prisons' Untimely Releases of Inmates	BOP	05/23/2016	2	Resolved	Work with the ODAG to establish a policy to identify under what circumstances it is appropriate to notify the relevant U.S. Attorney's Office, court official(s), and the affected inmate of an untimely release for any reason, and the reason therefor, and develop a process to ensure that time-

15-03	Review of the Federal Bureau of Prisons' Untimely Releases of Inmates	BOP	05/23/2016	3	Resolved	Implementation takes place as appropriate.
15-03	Review of the Federal Bureau of Prisons' Untimely Releases of Inmates	BOP	05/23/2016	4	Resolved	Ensure that BOP staff members thoroughly and consistently describe and identify the cause of each untimely release in official documentation (such as BP 558 and 623 forms) and use this documentation to support the OSC's trend analysis for improving training and operations.
15-03	Review of the Federal Bureau of Prisons' Untimely Releases of Inmates	BOP	05/23/2016	5	Resolved	Implement methods and training to address communication challenges in obtaining accurate and timely jail credit information from judicial as well as other necessary sources.
15-03	Review of the Federal Bureau of Prisons' Untimely Releases of Inmates	BOP	05/23/2016	6	Resolved	To address the concerns identified in this report that conducting final release audits 12 months before an inmate's projected release date has led to untimely releases due to BOP staff error, explore and implement sentence calculation processing or auditing strategies designed to decrease the likelihood of sentence calculation errors by BOP staff.
15-03	Review of the Federal Bureau of Prisons' Untimely Releases of Inmates	BOP	05/23/2016	7	Resolved	Incorporate specific untimely release issues and possible solutions into education events, and establish a process for obtaining formal feedback for participants to ensure methods for preventing untimely releases are fully explored.
15-17	Audit of the Federal Bureau of Prisons' Armory Munitions and Equipment	BOP	03/30/2016	1	Resolved	Identify and invite participation from additional non-BOP officials who do not typically participate in education events, but whose actions could help to ensure timely releases, including U.S. District Court Judges, Federal Public Defenders, and U.S. Probation Office staff.
15-17	Audit of the Federal Bureau of Prisons' Armory Munitions and Equipment	BOP	03/30/2016	11	Resolved	We recommend that BOP require armories to maintain a log documenting the date and purpose of every change to the armory munitions and equipment inventory along with a running balance of the quantity on hand.
15-17	Audit of the Federal Bureau of Prisons' Armory Munitions and Equipment	BOP	03/30/2016	13	Resolved	We recommend that BOP require the armories to use the standard naming conventions for weapons, ammunition, and chemical agents and stun munitions, and ensure the standard names clearly tie to the authorized use and minimum standards.
15-17	Audit of the Federal Bureau of Prisons' Armory Munitions and Equipment	BOP	03/30/2016	2	Resolved	We recommend that BOP update its policies to include the retention requirement for the Annual Testing Report for Weapons.
15-17	Audit of the Federal Bureau of Prisons' Armory Munitions and Equipment	BOP	03/30/2016	3	Resolved	We recommend that BOP require expired munitions to be included as a part of the armories' monthly inspections and quarterly inventories.
15-17	Audit of the Federal Bureau of Prisons' Armory Munitions and Equipment	BOP	03/30/2016	4	Resolved	We recommend that BOP require institutions to update BOS to include the FPS-ID for all controlled property.
15-02	Review of the Federal Bureau of Prisons' Medical Staffing Challenges	BOP	03/25/2016	1	Resolved	We recommend that BOP require institutions to reconcile BOS and SPWIS at least annually.
15-02	Review of the Federal Bureau of Prisons' Medical Staffing Challenges	BOP	03/25/2016	2	Resolved	Develop a plan to use available data to assess and prioritize medical vacancies based on their impact on BOP operations.
15-05	Review of the Impact of an Aging Inmate Population on the Federal Bureau of Prisons	BOP	05/05/2015	5	Resolved	Develop strategies to better utilize Public Health Service officers to address the medical vacancies of greatest consequence, including the use of incentives, assignment flexibilities, and temporary duty.
15-05	Review of the Impact of an Aging Inmate Population on the Federal Bureau of Prisons	BOP	05/05/2015	6	Resolved	Study the feasibility of creating units, institutions, or other structures specifically for aging inmates in those institutions with high concentrations of aging inmates.
15-05	Review of the Impact of an Aging Inmate Population on the Federal Bureau of Prisons	BOP	05/05/2015	7	Resolved	Systematically identify programming needs of aging inmates and develop programs and activities to meet those needs.
15-05	Review of the Impact of an Aging Inmate Population on the Federal Bureau of Prisons	BOP	05/05/2015	8	Resolved	Develop sections in release preparation courses that address the post-incarceration medical care and retirement needs of aging inmates.
15-05	Review of the Impact of an Aging Inmate Population on the Federal Bureau of Prisons	BOP	05/05/2015	8	Resolved	Consider revising its compassionate release policy to facilitate the release of appropriate aging inmates, including by lowering the age requirement and eliminating the minimum 10 years served requirement.

Judi Garrett

From: Judi Garrett
Sent: Wednesday, April 26, 2017 10:40 AM
To: Zachary Terwilliger
Cc: Kane, Thomas (BOP)
Subject: FW: RE: OIG's report of undclassified/non-sensitive, not closed recommendations

Zach, our staff confirmed this is accurate. Thanks

>>> "Terwilliger, Zachary (ODAG)" <Zachary.Terwilliger@usdoj.gov> 4/26/2017 2:09 PM >>>

Duplicate

Thomas Kane

From: Thomas Kane
Sent: Thursday, April 27, 2017 12:45 PM
To: Zachary.Terwilliger2@usdoj.gov
Cc: Judi Garrett
Subject: BOP Update
Attachments: FCI-Fort Dix Complaint PR.PDF

Zach - Per your request, the following three items comprise our update this week:

On Wednesday, April 26, I testified at an oversight hearing before the Crime Subcommittee of the House Judiciary Committee. The hearing went well. We have a small number of "get backs" that we will work with OLA to provide to the Committee. Chairman Gowdy made a strong opening statement acknowledging the challenges of managing a large prison system, and the importance of both public safety and reentry portions of the mission. Other members also noted the importance of our dual mission. A number of members from both sides of the aisle also mentioned the importance of Federal Prison Industries and expressed their support for the program and concern for the loss of inmate jobs over the past few years (Goodlatte, Chabot, Richmond). Several members also asked about private prisons. I reiterated the BOP population is expected to increase, and that we plan to use private prisons to assist us by providing additional capacity as the population increases beyond what is safe to house in BOP facilities; notably for the low security criminal alien population. Ranking Member Conyers and several others also expressed concerns about health care in private facilities. I reiterated that inmates with health issues are transferred to BOP facilities, so that the private facilities are only caring for generally healthy inmates. However, we also have extensive oversight to ensure that routine health care treatment is carried out appropriately in the private facilities. It appears that my comments were well received and several members expressed their appreciation for the hard, dangerous, and important work we do in the Bureau of Prisons.

Also yesterday, as you know, the FBI and the US Attorney's Office conducted a joint operation with BOP staff to dismantle a child porn network operating out of the Federal Correctional Institution, at Ft. Dix, NJ. Five inmates were arrested and charged with using contraband cellphones and SD cards to distribute pornographic materials, among other charges. The U.S. Attorney's Office issued a comprehensive press release thanking the Bureau of Prisons for our assistance (attached).

Next week we plan on finalizing our program for the May 9 Correctional Workers Week ceremony at the National Law Enforcement Memorial. The Attorney General is scheduled to speak at the 9:30 am event, and the Acting Director and Acting Deputy Director will also be making remarks.

Tom

Thomas R. Kane
Acting Director
Federal Bureau of Prisons

tkane@bop.gov
(b)(7)(C) per BOP



*United States Attorney
District of New Jersey*

FOR IMMEDIATE RELEASE
April 26, 2017
www.justice.gov/usao/nj

CONTACT: Matthew Reilly
Office of Public Affairs
(973) 645-2888

**FIVE INMATES ARRESTED AT FEDERAL CORRECTIONAL INSTITUTION – FORT
DIX FOR DISTRIBUTING IMAGES OF CHILD SEXUAL ABUSE**

CAMDEN, N.J. Five men imprisoned on child pornography charges were arrested today at the Federal Correctional Institution-Fort Dix and charged with new counts of distributing images and videos of child sexual abuse within the prison, Acting U.S. Attorney William E. Fitzpatrick announced.

The inmates were charged with using contraband cellphones and micro SD cards to distribute the images, as well as selling and possessing with intent to sell the images and videos on federal property and conspiracy to commit these offenses. They are scheduled to appear later today before U.S. Magistrate Judge Karen M. Williams in Camden federal court.

“These five defendants, each having been previously convicted and imprisoned for trafficking in child pornography, have allegedly continued while in prison to trade and profit from the exploitation and sexual abuse of innocent children,” Acting U.S. Attorney Fitzpatrick said. “The federal law enforcement community is committed to protecting our nation’s children by exhaustively investigating and aggressively prosecuting those who seek to do them harm.”

“Anyone who sexually exploits children, whether incarcerated or not, will be relentlessly pursued and brought to stand trial for their heinous crimes,” stated Timothy Gallagher, Special Agent in Charge of the FBI’s Newark Field Office. “The FBI and our law enforcement partners are resolute in this commitment and remain ever vigilant in protecting one of society’s most vulnerable members, our children.”

According to documents filed in this case and statements made in court:

Anthony C. Jeffries, 31, of Orange, Virginia, is serving a 168-month sentence, with a scheduled release date of Aug. 13, 2022, following his guilty plea in the Western District of Virginia to three counts of distribution of child pornography and one count of possession of child pornography. He is allegedly a leader of the Fort Dix child pornography network, and maintained a “cloud” account containing images and videos of child sexual abuse. Jeffries allegedly transferred a micro SD card containing images of child sexual abuse to a government informant at Fort Dix on Nov. 1, 2016. The micro SD card included videos involving prepubescent children, including infants and toddlers and depictions of child sexual abuse.

Brian J. McKay, 46, of Brookhaven, Pennsylvania, is serving a 180-month sentence, with a scheduled release date of June 28, 2021, following his guilty plea in the Eastern District of Pennsylvania to one count of distribution of child pornography and one count of possession of child pornography. McKay is charged with allegedly transferring micro SD cards containing images of child sexual abuse to a government informant at Fort Dix on Nov. 1, 2016, and on Feb. 15, 2017, on behalf of other inmates (conspirators Allen and Roffler, below). The first micro SD card included child sexual abuse videos involving prepubescent children as well as bestiality. The second micro SD card included hundreds of images and videos of child sexual abuse.

Jordan T. Allen, 30, of Plain City, Ohio, is serving a 102-month sentence, with a scheduled release date of Dec. 30, 2018, following his guilty plea in the Southern District of Ohio to one count of receipt of child pornography. He is charged with receiving payment from a government informant at Fort Dix on Feb. 15, 2017, in exchange for the micro SD card that McKay transferred to the informant on that date. Allen told the informant that he utilized The Onion Router (also known by its acronym, "TOR") to access images of child sexual abuse.

Christopher D. Roffler, 29, of Virginia Beach, Virginia, is serving a 100-month sentence, with a scheduled release date of Aug. 22, 2019, following his guilty plea in the Eastern District of Virginia to one count of transportation of child pornography. He is charged with receiving payment from a government informant at Fort Dix on Nov. 1, 2016, in exchange for the micro SD card that McKay transferred to the informant on that date.

Erik M. Smith, 35, of Iron Mountain, Michigan, is serving a 235-month sentence, with a scheduled release date of March 26, 2027, following his guilty plea in the Western District of Michigan to one count of receipt of child pornography. He is charged with distribution of images of child sexual abuse and selling and possessing with intent to sell images of child sexual abuse on federal property. Smith allegedly sold a micro SD card containing images of child sexual abuse to a government informant at Fort Dix on Feb. 15, 2017. Smith stated that he had sufficient postage stamps a form of illicit currency among inmates in order to obtain a cellphone to access the cloud account.

The counts of distributing child pornography, selling and possessing with intent to sell child pornography, and conspiracy to commit these offenses due to the prior convictions of each of the defendants carry a mandatory minimum sentence of 15 years in prison, a maximum potential penalty of 40 years in prison, and a \$250,000 fine.

Acting U.S. Attorney Fitzpatrick credited special agents of the FBI, under the direction of Special Agent in Charge Timothy Gallagher in Newark, with the investigation leading to today's arrests. He also thanked officials of the Bureau of Prisons and FCI-Fort Dix for their assistance with the investigation.

The government is represented by Assistant U.S. Attorneys Justin C. Danilewitz and Gabriel Vidoni of the U.S. Attorney's Office's Criminal Division in Camden.

The charges and allegations in the complaints are merely accusations, and the defendants are considered innocent unless and until proven guilty.

Lofthus, Lee J (JMD)

From: Lofthus, Lee J (JMD)
Sent: Thursday, February 16, 2017 12:20 PM
To: Lan, Iris (ODAG)
Subject: DRAFT rescission order - let us know if you have changes - DELIBERATIVE
Attachments: Action Memo from AAGA to AG.Rescinding prior DAG memo Use of Private Prisons.OGC draft.doc

Lan, Iris (ODAG)

From: Lan, Iris (ODAG)
Sent: Thursday, February 16, 2017 12:47 PM
To: Lofthus, Lee J (JMD)
Subject: current draft memo - for your reference only
Attachments: rescission memo draft.doc

Lan, Iris (ODAG)

From: Lan, Iris (ODAG)
Sent: Friday, February 17, 2017 8:37 AM
To: Lofthus, Lee J (JMD)
Subject: FW: Exec Sec package
Attachments: Action Memo Revised.doc

Lee,

Third time's a charm, I promise. Attached is the one you should use.

Thanks,
Iris

From: Lan, Iris (ODAG)
Sent: Friday, February 17, 2017 7:46 AM
To: Lofthus, Lee J (JMD) <llofthus@jmd.usdoj.gov>
Subject: FW: Exec Sec package

Hi Lee,

Please use this version instead. (b) (5)

Thanks again,
Iris

From: Lan, Iris (ODAG)
Sent: Thursday, February 16, 2017 8:44 PM
To: Lofthus, Lee J (JMD) <llofthus@jmd.usdoj.gov>
Subject: Exec Sec package

Hi Lee,

Please see attached. If you are ok with the revised version, could you put this in Exec Sec, with Expedite marking and, if possible, Closehold marking too? (AG is looking to review tomorrow afternoon.)

Thanks again for your quick turn on this. Much appreciated.

Iris

Lofthus, Lee J (JMD)

From: Lofthus, Lee J (JMD)
Sent: Friday, February 17, 2017 9:43 AM
To: Harwood, Stacy L. (JMD)
Subject: Pls final
Attachments: Action Memo Revised (002).doc

From: Lan, Iris (ODAG)
Sent: Friday, February 17, 2017 7:46 AM
To: Lofthus, Lee J (JMD) <llofthus@jmd.usdoj.gov>
Subject: FW: Exec Sec package

Duplicate

Carr, Peter (OPA)

From: Carr, Peter (OPA)
Sent: Wednesday, February 22, 2017 11:56 AM
To: Terwilliger, Zachary (ODAG); Lofthus, Lee J (JMD); Hornbuckle, Wyn (OPA)
Cc: Rybicki, David (OAG)
Subject: RE: Time sensitive news

Sure, adding Wyn Hornbuckle, who can help with this. We're available whenever you are to discuss.

From: Terwilliger, Zachary (ODAG)
Sent: Wednesday, February 22, 2017 11:37 AM
To: Carr, Peter (OPA) <pcarr@jmd.usdoj.gov>; Lofthus, Lee J (JMD) <llofthus@jmd.usdoj.gov>
Cc: Rybicki, David (OAG) <drybicki@jmd.usdoj.gov>
Subject: Time sensitive news

Peter and Lee,

The Attorney General has signed a memorandum rescinding DAG YATES memo that would have forced the closure of private prison facilities. (b) (5)

(b) (5)

(b) (5)

We are happy to come to you,

Zach

Zachary Terwilliger
Associate Deputy Attorney General
Office of the Deputy Attorney General
Zachary.Terwilliger2@usdoj.gov
(202) 307-1045 (Desk)

(b) (5), (b) (6)




Office of the Attorney General

Washington, D. C. 20530

February 21, 2017

MEMORANDUM FOR THE ACTING DIRECTOR
FEDERAL BUREAU OF PRISONS

FROM: Jefferson B. Sessions III 
Attorney General

SUBJECT: Rescission of Memorandum on Use of Private Prisons

I hereby rescind the memorandum dated August 18, 2016, sent to you by former Deputy Attorney General Sally Q. Yates, entitled "Reducing our Use of Private Prisons." In that memorandum, former DAG Yates directed "that, as each contract reaches the end of its term, the Bureau should either decline to renew that contract or substantially reduce its scope in a manner consistent with law and the overall decline of the Bureau's inmate population." The memorandum changed long-standing policy and practice, and impaired the Bureau's ability to meet the future needs of the federal correctional system. Therefore, I direct the Bureau to return to its previous approach.

cc: Lee Lofthus, Assistant Attorney General for Administration

Lofthus, Lee J (JMD)

From: Lofthus, Lee J (JMD)
Sent: Wednesday, February 22, 2017 11:47 AM
To: Terwilliger, Zachary (ODAG); Carr, Peter (OPA)
Cc: Rybicki, David (OAG)
Subject: RE: Time sensitive news

Zach, just get us the signed PDF and/or original and we'll deliver to BOP immediately. Let's get it to BOP before OPA puts anything out.... Standing by, thks Lee

From: Terwilliger, Zachary (ODAG)
Sent: Wednesday, February 22, 2017 11:37 AM
To: Carr, Peter (OPA) <pcarr@jmd.usdoj.gov>; Lofthus, Lee J (JMD) <llofthus@jmd.usdoj.gov>
Cc: Rybicki, David (OAG) <drybicki@jmd.usdoj.gov>
Subject: Time sensitive news

Duplicate

Lofthus, Lee J (JMD)

From: Lofthus, Lee J (JMD)
Sent: Wednesday, February 22, 2017 12:37 PM
To: Carr, Peter (OPA); Hornbuckle, Wyn (OPA)
Subject: Private Prisons policy
Attachments: BOP PDF.PDF

Guys, here you go. BOP Acting director has copy also. Lee

Lynch, Michael K. (JMD)

From: Lynch, Michael K. (JMD)
Sent: Wednesday, February 22, 2017 6:49 PM
To: Munro, Shannon L. (JMD); Lucas, Daniel (JMD)
Subject: Fwd: Private prisons
Attachments: BOP PDF.PDF; ATT00001.htm

W/ attachment

Sent from my iPhone

Begin forwarded message:

From: "Cheng, Ivy (OLA)" <ICheng@jmd.usdoj.gov>
Date: February 22, 2017 at 5:47:29 PM CST
To: "Lynch, Michael K. (JMD)" <mklynch@jmd.usdoj.gov>
Subject: Private prisons

Mike –

Not sure if you already had a copy, but I wanted to make sure you'd seen the attached memo from AG to BOP yesterday, rescinding the Yates memo on private prisons, in case this is of interest to appropriators. I'm currently waiting to hear from ODAG how they'd like to handle Hill notifications, but will keep you posted.

Ivy

--

Ivy Cheng
Attorney Advisor
Office of Legislative Affairs
United States Department of Justice
Desk: (202) 353-0088
Mobile: (b) (6)
ivy.cheng@usdoj.gov

Hornbuckle, Wyn (OPA)

From: Hornbuckle, Wyn (OPA)
Sent: Thursday, February 23, 2017 7:21 PM
To: Lucas, Daniel (JMD)
Subject: Re: AG Memorandum for Acting BOP Director regarding the Rescission of Memorandum of Use of Private Prisons

That's correct

Sent from my iPhone

> On Feb 23, 2017, at 5:42 PM, Lucas, Daniel (JMD) <dylucas@jmd.usdoj.gov> wrote:

>

> Wyn,

> Thanks for sharing this earlier. Would you please confirm for me that the department is NOT planning to do a press release statement on this matter? But instead elected to just provide the info below to media?

>

> Thanks

>

> -----Original Message-----

> From: Hornbuckle, Wyn (OPA)

> Sent: Thursday, February 23, 2017 3:49 PM

> To: Rybicki, David (OAG) <drybicki@jmd.usdoj.gov>; Terwilliger, Zachary (ODAG)

<zterwilliger@jmd.usdoj.gov>; Hankey, Mary Blanche (OAG) <mbhankey@jmd.usdoj.gov>; Crowell, James (ODAG) <jcrowell@jmd.usdoj.gov>; Cutrona, Danielle (OAG) <dcutrona@jmd.usdoj.gov>

> Cc: Cheng, Ivy (OLA) <lcheng@jmd.usdoj.gov>; Lucas, Daniel (JMD) <dylucas@jmd.usdoj.gov>;

Lofthus, Lee J (JMD) <llofthus@jmd.usdoj.gov>; Carr, Peter (OPA) <pcarr@jmd.usdoj.gov>

> Subject: AG Memorandum for Acting BOP Director regarding the Rescission of Memorandum of Use of Private Prisons

>

> Dear all: I will send the following statement and attached memo to DOJ beat reporters at 4:15 p.m.

>

> See attached the Attorney General's Memorandum for Acting BOP Director regarding the Rescission of Memorandum of Use of Private Prisons

>

> The following statement is attributable to a Justice Department spokesman:

>

> On February 21, 2017, Attorney General Jeff Sessions rescinded an August 18, 2016, memorandum issued by former Deputy Attorney General Sally Q. Yates requiring that the Bureau of Prisons reduce its use of private prison contracts. The memorandum directs the Bureau of Prisons to return to its previous approach to the use of private prisons. This will restore BOP's flexibility to manage the federal prison inmate population based on capacity needs.

>

> Background: Currently, the Bureau of Prisons has 12 private prison contracts housing approximately 21,000 inmates.

>

✓
✓
✓

✓

Questions Posed by the Honorable Derek Kilmer

Non-responsive record



Non-responsive record

On May 19, 2017, it was reported that the Bureau of Prisons started the process for acquiring at least one new private prison to house immigration offenders "in anticipation of population increases due to new law enforcement initiatives." This follows the Department's February decision to rescind guidance calling for a reduction in the federal

use of private prisons. According to an August 2016 report by the Inspector General, private prisons are less safe and do not provide adequate healthcare for inmates.

- a. Can you confirm that the BOP is currently taking or will soon be taking bids for at least one new private prison to house immigration offenders?**

Response: Yes, the Request for Proposal (RFP) was issued on May 25, 2017, and closed on July 10, 2017. The award is anticipated in the fourth quarter of 2018.

- b. What is your affirmative plan for ensuring these new private facilities are safe and will provide adequate healthcare?**

Response: Over the past year, BOP has taken steps to enhance safety, security, and programming at private contract prisons by significantly strengthening its Oversight Checklist and other tools used to monitor, track, and evaluate contractor performance. This includes enhanced reviews in the areas of staffing requirements, food service, transfer requests, inmate appeal rights, correctional services, and safety. In addition, BOP heightened reporting procedures to require that contractors provide greater detail regarding safety and security information in a manner conducive to trend analysis and comparative reviews. BOP improved monitoring of health care programming by adding an additional subject-matter expert to the monitoring team. This team has developed a system for enhanced tracking of routine medical services.

Non-responsive record

Non-responsive record

Private Prisons

- a. **Does the Department have any plans to construct new private prisons or expand existing private prisons? If so, when were these plans put into place?**

Response: BOP does not construct, assist with construction, or budget for the construction or expansion of private prisons.

- b. **Are private prisons that contract with the federal government required to operate under the same laws, rules, and regulations as federally owned and operated prisons? If not, how are they regulated differently and why are they regulated differently?**

Response: Both BOP-owned facilities and private prisons with which BOP contracts are required to maintain accreditation by the American Correctional Association (ACA), maintain PREA certification, and be certified from an accredited Health Care Organization. In addition, both BOP facilities and private prisons with which BOP contracts are required to adhere to all applicable federal, state, and local laws and regulations governing a correctional environment.

Questions Posed by the Honorable Grace Meng

Last year, the Obama Administration committed to phasing-out the use of private prisons by the U.S. federal government. When outlining this new policy, Deputy Attorney General Yates cited the following basis for the decision: (1) a decreasing prison population; (2) private prisons do not provide the same level of correctional services, programs, and resources; (3) private prisons do not save substantially on costs; and (4) findings from a DOJ Office of Inspector General report that states private prisons do not maintain the same level of safety and security. One of the first acts Attorney General Sessions performed was to reverse this policy. Why did the Department choose to reverse course and recommit to the use of private prisons?

Response: For decades, BOP has relied on privately operated prisons to house low-security criminal aliens. The private prison industry helped BOP manage the unprecedented growth in the inmate population that began in the 1980s. While the federal prison population has decreased in recent years, BOP needs the flexibility of private prison contracts to avoid the need for costly, new BOP facility construction.

Deputy Attorney General Rosenstein, have you or Attorney General Sessions, now, or have you ever, owned stock in any publicly traded private prison company?

Response: I do not now, and I do not believe I ever have.

In contracts that the federal government enters into with private prisons, it generally guarantees that a certain percentage of cells will be filled with prisoners. How does the federal government guarantee that a certain number of Americans will be imprisoned each and every year? Are you concerned that this creates a public policy incentive for law enforcement agencies to actually increase recidivism?

Response: BOP projects future capacity needs based on information from a variety of sources, such as the Administrative Office of the U.S. Courts, the U.S. Sentencing Commission, and the Department's criminal components. Contracts with private prisons often include guarantees to obtain the best competitive price for the United States. BOP's projections have no impact or influence over the number of individuals prosecuted by the Department.

Non-responsive record

**Department of Justice
Questions for the Record
“The Fiscal Year 2018: Department of Justice Budget Request”
Subcommittee on Commerce, Justice, Science, and Related Agencies
Committee on Appropriations
United States House of Representatives
June 13, 2017**

Non-responsive record



Questions Posed by Senator Lankford

Non-responsive record

In August 2016, the Bureau of Prisons (BOP) announced plans to end its use of private prisons. However, Attorney General Sessions rescinded this policy and directed BOP “to return to its previous approach.” Are all private facilities that were previously in use being used again? Do you believe that all such facilities are proper for housing our federal inmates?

Response: Eleven of the thirteen privately operated adult facilities under contract with the Bureau of Prisons (BOP) in August 2016 are still used to house sentenced federal offenders. All eleven privately operated adult contract facilities have received and maintain their American Correctional Association (ACA) accreditation, PREA certification, and accreditation by the Joint Commission, a non-profit organization that provides accreditation for health care programs. In addition, the BOP has oversight staff at each location to ensure that daily operations are in compliance with the contract terms and requirements.

For decades, the BOP has relied on privately-operated prisons to house low-security criminal aliens. The private prison industry helped the BOP manage the unprecedented growth in the inmate population that began in the 1980s. While the federal prison population has decreased in recent years, the BOP needs the flexibility of private prison contracts to avoid the need for costly, new BOP facility construction.

Non-responsive record

Non-responsive record

On April 14, 2017, BOP released a pre-solicitation notice for the management and operation of a contractor-owned, contractor-leased correctional facility.

- a. How many private facilities does BOP use currently and is there no space available to house additional inmates at these existing facilities?**

Response: BOP currently contracts with four providers to manage and operate eleven secure adult contract facilities. The current capacity utilization in the private prisons is 94.3%.

- b. What is the estimated cost of a project like this?**

Response: The estimated cost of a solicitation will depend on the number of beds contracted. For example, a 1,800-bed contract can average approximately \$445 million for a ten-year period. For a 9,540-bed contract, the cost can average approximately \$2.4 billion for a ten-year period and involve multiple vendors.

- c. How many more beds does the BOP need?**

Response: BOP is not seeking to increase the number of contract beds in privately managed secure facilities. However, BOP is seeking to replace existing contracts that are expiring. The net number of contract beds, however, will not change.

- d. Are private prisons that contract with the Federal Government required to operate under the same laws, rules, and regulations as federally-owned and operated prisons? If not, how are they regulated differently and why are they regulated differently?**

Response: Both BOP-owned facilities and private prisons with whom BOP contracts are required to maintain accreditation by the American Correctional Association (ACA), maintain PREA certification, and be certified by an accredited Health Care Organization. In addition, both BOP facilities and private prisons with whom the BOP contracts are required to adhere to all applicable federal, state, and local laws and regulations governing a correctional environment.

- e. How does the Department justify its belief that contract prisons offer appropriate health and correctional services and are safe and secure places to house Federal inmates?**

Response: BOP has taken steps to enhance safety, security, and programming at private contract prisons by significantly strengthening its Oversight Checklist and other tools used to monitor, track, and evaluate contractor performance. This includes enhanced reviews in staffing requirements, food service, transfer requests, inmate appeal rights, correctional services, and safety. In addition, BOP has heightened reporting procedures to require that contractors provide greater detail regarding safety and security information in a manner conducive to trend analysis and comparative reviews. BOP has also improved monitoring of healthcare programming by adding an additional subject-matter expert to the monitoring team, which has developed a system for enhanced tracking of routine medical services. Going forward, the BOP will carefully review this enhanced information and its updated inspection tools on a regular basis to ensure the contract prisons' ongoing effectiveness.

Non-responsive record