



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

August 17, 2023

Re: Letter in Support of the Federal Prison Oversight Act (H.R. 3019)

Dear Member of Congress,

Citizens for Responsibility and Ethics in Washington (CREW), a nonpartisan nonprofit organization committed to building an equitable, ethical, and transparent government, writes today to encourage you to support the Federal Prison Oversight Act (S. 1401), a bipartisan, bicameral bill that would expose and address unlawful conditions in federal prisons.¹ It is past time to bring increased oversight and accountability to the Federal Bureau of Prisons (BOP) and the facilities it operates, so we can begin to effectively address widespread corruption and rampant sexual and physical abuse in federal prisons.

According to a bipartisan report issued last year by the Senate Permanent Subcommittee on Investigations, the BOP has failed to hold employees accountable for widespread sexual misconduct among female inmates at federal prisons.² The report details that long delays in investigating complaints regarding sexual abuse and rape have led to a backlog of more than 8,000 internal cases, as of November 2022, and the BOP has failed to respond to this abuse or implement agency-wide reforms.³ Recent investigations have documented numerous allegations, from a culture of sexual abuse and cover up at a Tallahassee federal women's prison,⁴ to the indictment of a warden at a federal women's prison in Dublin, California on charges of inmate sexual abuse.⁵ It's apparent that despite its \$8.7 billion yearly budget, the BOP does not have adequate mechanisms to protect inmates from corruption and abuse.⁶ That's why it is crucial that Congress pass the bipartisan Federal Prison Oversight Act (S. 1401), a necessary and critical legislative response that will begin to bring some measure of transparency and accountability to this deeply broken system.

¹ [Federal Prison Oversight Act](#), S. 1401, 118th Cong. (2023) [hereinafter Federal Prison Oversight Act]

² Staff of S. Permanent Subcomm. on Investigations and Comm. on Homeland Sec. and Gov't Affairs, 117th Cong., Rep. on Sexual Abuse of Female Inmates in Federal Prisons (Comm. Print 2022).

³ *Id.*

⁴ *Prisons Fail to Stop Sexual Abuse of California Female Inmates*, Associated Press (Sept. 30, 2021), <https://apnews.com/article/prisons-california-san-francisco-sexual-abuse-e9b0b3c8bf508bafc66399c95c02a1df>.

⁵ Silja J.A. Talvi, *Sexual Abuse of Women at Florida Prison Draws Attention Amid Ghislaine Maxwell Trial*, The Appeal (Apr. 25, 2023), <https://theappeal.org/fci-tallahassee-sexual-abuse-women-prison-ghislaine-maxwell/>.

⁶ See Press Release, Rep. Matthew Cartwright, Rep. Cartwright announces over \$180 million to increase federal bureau of prison hiring efforts nationwide (Jan. 13, 2023), <https://cartwright.house.gov/news/documentsingle.aspx?DocumentID=392511>.

S. 1401 would create a strong independent oversight regime by requiring the Department of Justice's Office of Inspector General (OIG) to conduct periodic, risk-based, comprehensive inspections of all BOP facilities. The bill would also task the Attorney General with creating an Ombudsman within the Department of Justice to conduct targeted investigations of complaints regarding the wellbeing of incarcerated individuals and BOP staff and contractors. Crucially, the ombudsperson would be allowed to visit any BOP facility without providing notice and communicate privately and confidentially with staff and incarcerated people during in-person interviews or through electronic messaging, mail, or telephone.⁷

Enhanced oversight and accountability is a key ingredient to addressing the disproportionate racial impact of certain laws and policies in our criminal justice system. S. 1401 would help the BOP do just that by, among other things, creating a telephone hotline and online form for incarcerated people to report misconduct to an accountability office, mandating federal watchdog inspections, and creating congressional reporting requirements and response plans from the BOP.⁸ Moreover, the bill prohibits retaliation against any person or entity, and the Ombudsman is authorized to appropriately investigate claims in connection with alleged retaliation or discrimination against a complainant.⁹

Government oversight is one of Congress's essential constitutional duties, and Congress is well within its powers to impose oversight mechanisms on federal agencies such as those proposed in S. 1401.¹⁰ It is a meaningful step towards ensuring that incarcerated persons are not subjected to egregious misconduct by enhancing independent executive oversight. The bill represents an opportunity for bipartisan action that will help root out corruption and mitigate harm to incarcerated individuals. CREW urges you to support the Federal Prison Oversight Act and send it to President Biden's desk as expeditiously as possible.

Sincerely,



Noah Bookbinder
President and Chief Executive Officer

⁷ [Federal Prison Oversight Act](#).

⁸ *Id.* § 6(a).

⁹ *Id.* § 7(a).

¹⁰ Cong. Rsch. Serv., *Congressional Oversight Manual* (2021); *see also McGrain v. Daugherty*, 273 U.S. 135 (1927) (holding Congress's investigative power is not limited to matters directly connected to legislative proposals and can extend to inquiries that serve the broader legislative purposes of informing Congress and enabling it to exercise its constitutional functions effectively).