

United States Senate

October 3, 2023

The Honorable Colette S. Peters
Director, Federal Bureau of Prisons
320 First Street, NW, Suite 654
Washington, DC 20534

Dear Director Peters,

I am writing to express my disappointment with your response to my letter from December 21, 2022, regarding sexual misconduct inmates committed against employees at the United States Penitentiary (USP) in Thomson, Illinois (USP Thomson). I expected to receive more substantive detail and direct responses to the questions I asked.

Last year, my letter sought numerous answers regarding your bureau's plan to properly respond to the ongoing criminal activity occurring at USP Thomson.¹ As you'll recall, the prisoners at USP Thomson were, for years, routinely perpetrating acts of sexual misconduct toward staff just trying to do their jobs. The inmates' activity was met with an inconsistent and inadequate response from the Federal Bureau of Prisons' (BOP) leadership both at the facility and the system more broadly.

As you'll recall, USP Thomson reported 125 staff left in 2022. Some departing staff reported their departures were a direct result of the sexual misconduct. As you know, staffing shortages are a persistent problem in BOP facilities throughout the United States.² Understaffed prisons threaten the safety of those within the prison—both inmates and staff—and hinders the staff's ability to do their jobs properly.³ In light of BOP's struggles to retain staff, I would imagine BOP would prioritize staff's allegations of being victimized by the inmates' sexual misconduct, particularly when it is causing them to quit in droves.

BOP staff at USP Thomson and across the country deserve a workplace free from sexual harassment. These attacks are serious and no individual should be forced to endure this behavior. I am dismayed by BOP's slow response to this situation and apparent lack of corrective action in preparation of future similar situations.

¹ Letter from U.S. Senator Joni Ernst, to Colette Peters, Director of the Federal Bureau of Prisons (December 21, 2022) (on file with author).

² Glenn Thrush, *Short on Staff, Prisons Enlist Teachers and Case Managers as Guards*, NEW YORK TIMES (May 1, 2023) <https://www.nytimes.com/2023/05/01/us/politics/prison-guards-teachers-staff.html#:~:text=Nowhere%20has%20that%20been%20more,state%20and%20county%20corrections%20workers>.

³ *Id.*

Given your agency's failure to address these issues, I demanded answers in December – and your agency failed to respond adequately. When your agency ultimately responded, it simply stated that USP Thomson was temporarily operating as a low-security facility and a minimum-security camp and that it “hope[d] this information [was] helpful.”⁴ It should be noted this was publicly reported information at the time your bureau shared it with me and, frankly, unhelpful, as it did not answer any of my questions.⁵

While I respect BOP's decision to change the prison's mission, I am disappointed your team failed to directly answer a single question I asked. As I wrote to you last year, to help inform my oversight work, I expect answers to the following questions as soon as possible but no later than the close of business on November 3, 2023:

1. Please provide the current guidance/plan for addressing the incidents of inmate sexual misconduct that occurred at USP Thomson and how inmates will be held accountable.
2. In my December letter, I noted any Code 114, Code 205, or Code 206⁶ violations would result in a multi-disciplinary committee proceeding to evaluate the consequences an inmate may face.
 - a. Is this policy effective across the BOP system?
 - b. Can you confirm that a member of the USP Thomson Union—and/or the victimized employee—was notified, allowed to attend, and involved in any multi-disciplinary committee proceedings occurring on or after December 22, 2022, resulting from Code 114, Code 205, or Code 206 violations?
 - c. What criteria has the committee used to evaluate the disciplinary action an inmate may face for one of these code violations? Please provide a list of the exact points and questions used in the evaluation process as well as any changes to the process instituted on or after December 22, 2022.
 - d. Will every committee evaluation process result in a written report, and if not, why?
 - e. In addition to the use of a window covering, what are the other disciplinary actions an inmate at any BOP facility may face for one of these code violations?
3. What is BOP's protocol for addressing repeat offenders of Code 114, Code 205, and Code 206 violations?

⁴ Letter from M. Pacheco, Acting Chief of Office of Legislative Affairs at Federal Bureau of Prisons, to U.S. Senator Joni Ernst (July 5, 2023) (on file with recipient).

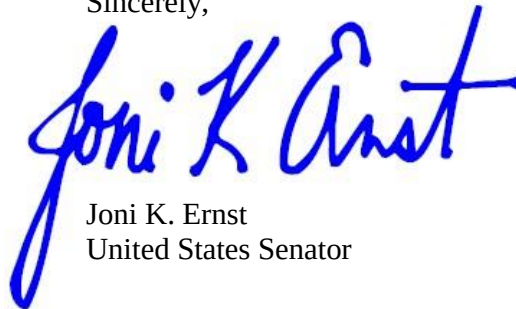
⁵ *Thomson prison temporarily converted to low-security facility*, KWQC <https://www.kwqc.com/2023/03/13/thompson-prison-temporarily-converted-low-security-facility/> (last visited Sept. 28, 2023).

⁶ U.S. DEP'T OF JUST. FED. BUREAU OF PRISONS, INMATE DISCIPLINE PROGRAM (July 8, 2011). https://www.bop.gov/policy/progstat/5270_009.pdf

4. When does a Code 114, Code 205, or Code 206 violation rise to a prosecutorial punishment?
5. Please provide a breakdown of the code violation and the number of prosecutorial referrals made by USP Thomson in 2022 and 2023.

Again, the change in mission at USP Thomson does not address the concerns of inadequate response to sexual misconduct on behalf of BOP leadership. The current and former staff of USP Thomson—particularly the female staff—have been neglected long enough. BOP employees across the country deserve a workplace free from sexual misconduct. Relocating inmates does nothing to ensure they receive one. As I stated back in December of 2022, I look forward to seeing your plan to address these circumstances.

Sincerely,

A handwritten signature in blue ink that reads "Joni K. Ernst". The signature is fluid and cursive, with the first name "Joni" and last name "Ernst" clearly legible. The middle initial "K" is smaller and positioned between the first and last names.

Joni K. Ernst
United States Senator

