U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 5, 2004

The Honorable John Conyers, Jr.
Ranking Minority Member
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Conyers:

This is in response to your request for a copy of the Bureau of Prisons' (BOP) response to the Office of Inspector General's "Supplemental Report on September 11 Detainees' Allegations of Abuse at the Metropolitan Detention Center in Brooklyn, New York." We have enclosed a copy of BOP Director Harley Lappin's memorandum to Inspector General Glenn A. Fine.

Also, in response to additional questions posed to us in a meeting with your staff, we are enclosing a summary of our revised policy for management of select inmates during national security emergency situations.

If we can be of further assistance on this or any other matter, please do not hesitate to contact this office.

Sincerely,

William E. Moschella

William E. Moschella
Assistant Attorney General

Enclosures

cc: Honorable F. James Sensenbrenner, Jr.
Chairman

SUMMARY OF BOP POLICY 5272.01, MANAGEMENT OF SELECT INMATES DURING NATIONAL SECURITY EMERGENCY SITUATIONS

The following is a summary of the procedures outlined in a new Bureau of Prisons policy regarding the management of select inmates during national security emergencies. This policy was developed to address concerns identified in the Office of Inspector General's Report on the treatment of the 9/11 detainees.

The greatest threat to institution security, public safety, or national security interests for Category I Management Interest Inmates comes from their ability to communicate with other inmates or persons outside the institution. These procedures are designed to maximize control and monitor such communication.

ASSIGNMENT AND AUTHORIZATION

Inmates who require special supervision and/or placement in restrictive housing during certain emergency situations will be classified as **Category I Management Interest Inmates**. The classification will be made on appropriate inmates and detainees when the emergency situation commences. The classification will be removed from these inmates and detainees when the emergency situation has ended.

This assignment is normally temporary, and can only be authorized by the Assistant Director, Correctional Programs Division, or his/her designee.

SCREENING PROCEDURES

All newly admitted Category I Management Interest Inmates will receive and be permitted to retain an Admission and Orientation handbook and the Inmate's Rights and Responsibilities pamphlet, including procedures for filing an Inmate Request to Staff or a Request for Administrative Remedy.

Efforts will be made to communicate in an inmate's native language. Translations of local documents, forms, and records will be used in accordance with the Program Statement on Language Translations Used in Official Documentation.

VISITING PROCEDURES

Social visiting will only be permitted with immediate family members and an attorney of record. This will include inmates who had other visitors already on their approved visiting list prior to being classified as a Category I Management Interest Inmate.

- Once an inmate has submitted a list of immediate family members and an attorney of record and the background approval process for each has been accomplished as outlined in Section 9 of this policy, the inmate's visiting list will be provided to the front entrance/visiting room officer.

- On a daily basis, a designated staff member will ensure the front entrance/visiting room officer at each institution housing these inmates has a separate roster identifying those inmates who have an approved visiting list.

- When a visitor arrives, the aforementioned roster will be referenced. If the inmate is identified as having an approved visiting list, the visiting list will then be examined to ascertain whether the visitor has been approved. If the visitor appears on the list, the visit will be approved by the entrance officer and no further contact with the central office will be required for this visitor during the inmate's incarceration.

- If the inmate does not appear on the aforementioned roster or the visitor does not appear on the inmate's visiting list, the visitor will be referred to the National Locator Center established specifically to handle such inquiries.

Legal and consular access for Category I Management Interest Inmates is imperative, and staff will ensure all practical efforts are made to afford access.

RESTRICTIVE CONDITIONS OF CONFINEMENT

In addition to current policies regarding Special Housing Unit operations, staff must impose the following restrictions for Category I Management Interest Inmates:

Housing: To the extent practical, all Category I Management Interest Inmates will be housed separately from inmates in the general population.

Mail: Current Bureau policy regarding special and legal mail will be followed for Category I Management Interest Inmates.

Legal calls: Where practical, staff will make every effort to accommodate requests for legal telephone calls.

At a minimum, each pretrial inmate must be offered the opportunity to make a completed legal call, at least once daily, Monday through Friday, until the inmate obtains counsel.

Only actual telephonic contact with an attorney will be deemed a completed legal phone call.

Social Telephone Calls: Upon initial placement of any inmate to the Category I Management Interest assignment, social calls will be limited to one every 30 days.

The Warden may make exceptions when an inmate can demonstrate a compelling reason justifying the need for additional calls.

General/Regular Correspondence: Staff will follow established Regular Mail procedures. However, all incoming/outgoing general correspondence will be screened for intelligence information. Incoming mail will be provided to the inmate ordinarily within 24 hours. Outgoing mail will be provided to the institution mail room for delivery to the U.S. Postal Service ordinarily within 24 hours.

RECREATION & PROPERTY RETENTION

Staff will follow established procedures for inmates housed in the Special Housing Unit, to include providing inmates appropriate foul weather clothing (e.g., coats) when appropriate for outside recreation.

STAFF PROFESSIONALISM

It is essential to the orderly running of an institution that staff conduct themselves in a professional manner at all times. Staff are reminded to adhere to Bureau policy governing standards of employee conduct; any form of abusive conduct, verbal or physical, is unacceptable.

VIDEO SURVEILLANCE

There may be times when it is deemed necessary to videotape the inmate(s) routine movement outside his or her cell or the entry of staff into the inmate's cell. The decision to record this activity will be made on a case-by-case basis, and the decision must be approved by the Assistant Director, Correctional Programs Division.

In these circumstances, video tapes will be retained for six months.

INSTITUTION CLASSIFICATION AND REVIEW

A committee consisting of an Associate Warden, the Captain, a Special Investigative Supervisor or Special Investigative Agent, the Unit Manager, the Health Services Administrator, and a Psychologist will conduct weekly reviews of all Category I Management Interest Inmates. This committee will review institution records and intelligence information in order to make recommendations to appropriate staff regarding the need for continued placement in this category.

Within 30 days of receipt of the first Category I Management Interest Inmate or the placement of an existing inmate in Category I Management Interest, a review team comprised of Central Office and Regional Office staff will conduct an on-site review of the institution's operational procedures to ensure policy compliance.

TRAINING

Training regarding implementation of procedures outlined in this policy will be conducted annually during Annual Refresher Training with the Warden and/or Associate Warden serving as training facilitator.