



# Department of Justice

STATEMENT

OF

HARLEY G. LAPPIN  
DIRECTOR  
FEDERAL BUREAU OF PRISONS

BEFORE THE

REVIEW PANEL ON PRISON RAPE

PRESENTED ON

APRIL 26, 2011



Statement of Harley G. Lappin  
Director, Federal Bureau of Prisons  
Before the  
Review Panel on Prison Rape

April 26, 2011

Mr. Chairman and Members of the Panel:

I welcome the opportunity to appear before you today to discuss what the Federal Bureau of Prisons (Bureau) does to minimize the incidence of sexual assault in federal prisons. I am joined today by Warden John Shartle and staff from the Federal Correctional Institution (FCI) Elkton, Ohio. Because of their dedication to inmate safety and security, FCI Elkton was identified by the Panel as one of the federal prisons with the lowest incidence of sexual assault. I applaud their hard work in this important area.

The Bureau's mission is to protect society by incarcerating offenders in facilities that are safe, humane, cost-effective, and appropriately secure; and by providing inmates with work and other self-improvement opportunities to help them acquire the skills needed to return to society as law-abiding, productive citizens. We take these responsibilities very seriously.

Currently, the Bureau operates 116 prisons and is responsible for the custody and care of more than 212,000 federal offenders. Approximately 82 percent of these inmates are confined in correctional institutions or detention centers operated by the Bureau. The remainder are confined in secure facilities operated primarily by private corrections companies and, to a lesser extent, by state and local governments, and in privately-operated residential re-entry centers (RRCs).

### The Bureau's Management Approach

To promote a safe, secure environment for staff and inmates alike and to increase the likelihood of a successful transition to the community, the Bureau adheres to sound correctional practices and provides self-improvement opportunities that have been proven to work in reducing institution misconduct and recidivism.

The Bureau's overall management approach serves as the foundation for preventing sexual assaults and abuse in our facilities and its effectiveness is enhanced by numerous oversight strategies and internal systems of checks and balances. These systems of control are designed to ensure compliance with applicable regulations, laws, policies, and procedures; monitor vital functions and operations; identify weaknesses and enhancements needed; and promote effective prison management practices. The Bureau also has policy in place that specifically addresses sexual abuse prevention and intervention (Attachment 1, PS5324.06).

The agency ensures institution security through a combination of direct staff supervision, structural design, enhanced technology, and use of the unit management concept. The architectural design that corrections has adopted in the last 30 years has been a major facilitator to enhancing the ability of staff to observe inmates. The design structure also allows for the use of technology, such as cameras to allow staff to observe institution security remotely. Moreover, our inmate classification system is based on risk factors, which allows us to house inmates at institutions that meet their specific security and program needs.

Involving inmates in programming that targets identified needs not only reduces inmate idleness and the stresses associated with living in a prison, but also plays a major role in preparing inmates for their eventual return to the community. Research has conclusively demonstrated that the Bureau's core programs - Federal Prison Industries, education, vocational and occupational training, and residential drug abuse treatment - significantly reduce recidivism.

Qualified and trained staff are essential for effective inmate management. In the Bureau, regardless of the specific discipline in which a staff member works, all employees are "correctional workers first." Each staff member is responsible for the safety, security, and good order of the institution, as well as modeling pro-social values for the inmate population. All staff are expected to be vigilant and attentive to inmate accountability and security issues.

Staff are highly visible throughout the institution and readily available to inmates, and inmates are encouraged to communicate with staff regarding issues of concern. Both informal and formal grievance procedures are in place to ensure investigation of and timely response (including redress if warranted) to any issue raised by an inmate regarding their confinement.

### Sexual Abuse Prevention and Intervention Strategies

The Bureau's approach to discouraging staff misconduct is multi-dimensional. It begins with a clear understanding of the Bureau's zero tolerance philosophy, includes training to reinforce the agency's expectations with respect to staff conduct, and involves staff reporting up the line - which is both their responsibility and duty when they become aware of incidents of misconduct. Management staff continually stress the importance of adhering to the agency's core values - correctional excellence, integrity and respect - and the consequences for failing to do so. I have personally emphasized the need for all staff to **assume ownership** of our roles in promoting solutions that ensure staff and inmate safety.

Similarly, the Bureau encourages inmates to report incidents of misconduct or otherwise inappropriate behavior. All allegations of staff misconduct, including allegations that a staff member has abused an inmate, are referred to the Department of Justice, Office of the Inspector General (OIG), which then refers back to the Bureau's organizationally-independent Office of Internal Affairs those it wants the Bureau to investigate. Serious cases of staff misconduct are referred for criminal prosecution. The

OIG also has a hotline available for the public for reporting any Department of Justice employee they believe has violated their civil rights or civil liberties, and inmates may also use this hotline.

Sexual acts or contacts between an inmate and a staff member are **always** prohibited and illegal. Except in cases where staff are clearly the victim of sexually abusive behavior by an inmate, staff are considered culpable for sexual behavior between them and inmates. The agency is fully committed to investigating, disciplining, and prosecuting staff who engage in such behavior. When allegations of serious abuse are accompanied by credible evidence, the staff member is removed from contact with inmates or placed on administrative leave.

It is important to note that the vast majority of Bureau staff do outstanding work each and every day in support of this agency, the Department of Justice, and the American people. Unfortunately, it is the inappropriate actions of a very few that receive public attention and taint the reputation of outstanding public service that other Bureau staff work hard to maintain.

The Bureau also takes allegations of inmate-on-inmate sexual assaults (or non-consensual sexual acts) very seriously, and all allegations are investigated by Bureau staff. Those that involve potentially criminal behavior are promptly referred to the Federal Bureau of Investigation, and depending on the outcome, may be referred for prosecution.

## Agency Sexual Abuse Prevention and Intervention Policy

Agency policies apply to **all** Bureau organizational components and sites, mandating consistency with respect to all major operational issues. The policy that specifically addresses the prevention of sexually abusive behavior is designed to ensure:

- a. staff and inmate awareness and understanding of the Bureau's "zero tolerance" with respect to sexually abusive behavior;
- b. standardized procedures to detect and prevent such behavior;
- c. prompt and effective response to the various needs of victims (i.e., physical, psychological, and security needs);
- d. prompt intervention/investigation once allegations of sexually abusive behavior are reported; and,
- e. disciplining and prosecution of perpetrators of sexually abusive behavior, when appropriate, in accordance with Bureau policy and federal law.

The policy addresses inmates with a history of sexual victimization or predation, as well as those **at risk** of being victimized or of perpetrating sexually abusive behavior. It emphasizes the importance of adhering to sound correctional basics (e.g., observing inmates interacting, communicating effectively with inmates, being alert for behavior changes, closely monitoring institution areas) to not only better detect incidents of sexually abusive behavior, but more importantly, to deter their occurrence. Staff are required to assume all reports of victimization are credible, regardless of the source.



Policy specifically addresses the following areas:

- initial screening performed by Health Services, Psychology Services, and Unit Management personnel upon an inmate's arrival at a Bureau facility;
- referrals, notifications, and actions required when staff identify a history of sexual victimization or predation;
- response options available to the unit team when an allegation is made or a risk identified (e.g., changes to housing units or cell assignments, transfer to a greater or lesser security facility);
- medical examination and treatment;
- psychological interventions;
- investigation methodology (crime scene preservation, physical evidence collection, after action review); and,
- discipline and prosecution.

All Bureau staff receive training on the prevention and intervention requirements outlined in the agency's policy on sexually abusive behavior. This occurs upon hiring and subsequently during annual refresher training. Specialty training is also provided to those with more direct responsibilities for managing aspects of the program. Non-Bureau staff, such as contractors and volunteers, also receives training on such issues as inmate rights and privacy and appropriate communication and interaction with inmates. All contractors also complete training on the employee code of conduct which informs them of this specific policy, and are held accountable to the same standards and are subject to the same consequences as Bureau staff.

All inmates are made aware of their rights and responsibilities under this policy (and all other major policies) during their orientation to the correctional facility ("Admission and Orientation"). This includes educating inmates about the definitions of sexually abusive behavior, prevention strategies, reporting methods, treatment options, and the consequences that perpetrators can expect to face. Inmates also receive this information in written form.

To ensure the safety of the more than 38,000 federal inmates held in facilities under contract, each contractor must meet all the requirements, elements, and protocols of our sexual abuse prevention and intervention policy. This contract requirement is included in all Statements of Work (SOW) and Bureau staff monitor the contractors for compliance. Contractors are responsible for providing a work environment that is free from sexual harassment and intimidation in accordance with Title VII of the Civil Rights Act of 1964 as amended. Our contracts also require that all services and programs comply with the United States Constitution; all applicable federal, state and local laws and regulations; applicable Presidential Executive Orders; all applicable case law; and court orders.

The Bureau has a firm and non-negotiable policy of zero tolerance for abuse of inmates of **any** type - verbal, physical, sexual. We are resolute in our determination to provide a safe environment for staff and inmates alike. The comprehensive management approach utilized by the Bureau of Prisons minimizes safety risks, including the potential for sexually abusive behavior, for **all** parties.

Mr. Chairman, this concludes my prepared remarks. I would be pleased to answer any questions you or other Members of this Panel may have.