

United States Senate

WASHINGTON, DC 20510

September 12, 2023

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

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

The Honorable Lisa Monaco
Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Garland, Deputy Attorney General Monaco, and Director Peters:

We write to you regarding allegations of serious misconduct occurring at Federal Correctional Complex (FCC) Hazelton, located in Bruceton Mills, West Virginia. We respectfully request that the Department of Justice (DOJ) and the Bureau of Prisons (BOP) immediately investigate disturbing whistleblower reports of abusive treatment of incarcerated individuals and other employee misconduct at FCC Hazelton, to include United States Penitentiary (USP) Hazelton and Federal Correctional Institution (FCI) Hazelton. These reports, combined with public reporting on FCC Hazelton's dire staffing shortages and proliferation of weapons contraband, paint a grim picture of the institution's inability to ensure a safe environment for those in BOP custody and employees alike.¹

Whistleblowers provided legally protected disclosures to our offices of the following allegations, some of which are corroborated by public reporting:

- Staff releasing the wrong incarcerated individual from the facility after failing to properly identify the correct individual scheduled for release.
- A group of inmates escaping from the prison camp and supervisory staff attempting to cover it up.
- Supervisory staff at FCC Hazelton falsifying documents, encouraging inmate abuse, and covering up alleged abuse and escapes of incarcerated individuals. The falsified documents include medical assessments, incident reports, duty rosters, and time and attendance sheets, along with requests to tamper with corresponding security cameras to cover up inmate escapes. The employees engaged in these practices have not been

¹ Johnson, Kevin, *Violent West Virginia prison plagued by officer shortages, pushing staffers to exhaustion*, USA Today <https://www.usatoday.com/story/news/politics/2023/01/22/prison-officer-shortages-plague-west-virginia-facility/11082377002/> (January 22, 2023)

disciplined, and, in some cases, received promotions, despite open investigations into their misconduct.

- A staff member punching an incarcerated individual on camera.
- Staff members using restrictive housing punitively against incarcerated individuals in violation of BOP policy, and staff engaging in a pattern of physical abuse of inmates residing in Special Housing Units (SHU).²
- Staff repeatedly directing racial slurs against minorities towards other staff members and incarcerated individuals.
- Staff urinating on prisoner property.
- Staff forcing incarcerated individuals to urinate and defecate on themselves as a condition of being released from restrictive custody.
- Staff assaulting an incarcerated person, breaking the individual's ribs.
- Staff beating an incarcerated person in SHU so severely that the individual had a seizure and was taken to the hospital two days later.
- Staff shredding personal inmate mail and failing to provide inmates access to their mail. There are online reports stating that "if ...[incarcerated persons] file grievances against staff, they make sure you understand who has the upper hand."³ Additional reports by inmates have stated that "[w]hen ...my mail was so badly copied it wasn't legible I filed [grievances] on them. But the staff just threw [the forms] away."⁴
- The existence of an internally organized group comprised of staff at various levels within FCC Hazelton facilities that are partially responsible for the misconduct at the facility, known as the "Good Ol' Boys Club".⁵ Staff may be recruited to join the group either by engaging in potentially illegal activities or by witnessing and not reporting illegal activities.

If these allegations are true and accurate, they reflect a rampant culture of abuse and misconduct at FCC Hazelton. We request that you conduct a full investigation of employee misconduct at FCC Hazelton facilities, including interviews of individuals incarcerated in SHU about these allegations. We also request that you commit that no taxpayer money will be used to identify, expose the identity of, or retaliate against any whistleblowers and that the anonymity of all individuals interviewed is maintained, regardless of whether or not they corroborate any allegations of misconduct.

Additionally, to understand the scope of the alleged misconduct, we ask that you provide the following information related to FCC Hazelton no later than October 3, 2023:

1. Copies of all charging documents, plea agreements, staff transfer orders, and judgment and commitment orders for any current or former BOP employee charged with a crime that occurred at FCC Hazelton, in connection with employment at FCC

² See Pam Bailey, *FCC Hazelton: Called 'Misery Mountain' for a Reason, More Than Our Crimes* (Sep. 5, 2022) <https://morethanourcrimes.org/voices/fci-hazelton-cauldron-of-misery/>.

³ Pam Bailey, *Staffing Shortage or Toxic Culture? Prisoners say Hazelton has Both*, More Than Our Crimes (Feb. 25, 2023) <https://morethanourcrimes.org/voices/staffing-shortage-or-toxic-culture-prisoners-say-hazelton-has-both/>.

⁴ *Id.*

⁵ *Id.*

Hazleton, or in connection with an incarcerated person who resided at FCC Hazelton, since 2013.

2. The number of pending misconduct investigations regarding current or former FCC Hazleton employees, including the type of misconduct that is being investigated.
3. The number of FCC Hazleton employees who, while under investigation for abuse of inmates, continued to perform employment duties requiring contact with or supervision of inmates from 2013 to present.
4. A list of any FCC Hazleton staff members who, while under a pending investigation for abuse of inmates, have been promoted or transferred to another institution. Please list the highest-ranking title or grade the staff member held in the case of a promotion or the receiving institution in the case of a transfer.
5. A list of all sustained allegations of abuse of inmates at FCC Hazleton that have occurred since 2013 and the corrective actions taken to address each incident.

Thank you for your time and consideration. We look forward to your prompt response.

Sincerely,



Richard J. Durbin
United States Senator



Charles E. Grassley
United States Senator



Joe Manchin III
United States Senator



Shelley Moore Capito
United States Senator

cc: The Honorable Michael E. Horowitz
Inspector General
U.S. Department of Justice