

Congress of the United States
Washington, DC 20510

September 6, 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 request information about serious allegations of abuse at United States Penitentiary (USP) Thomson in Illinois. Recently, the Washington Lawyer’s Committee for Civil Rights & Urban Affairs (WLC) published a report entitled “Cruel and Usual: An Investigation into Prison Abuse at USP Thomson.”¹ As part of its investigation, WLC collected accounts of extreme physical and psychological abuse from more than 120 incarcerated people in the former Special Management Unit (SMU) at USP Thomson. These accounts detailed shocking potential criminal and civil rights violations including abusive use of restraints, dangerous celling practices, inappropriate responses to mental health diagnoses, sexual assaults, racist verbal abuse, and interference with access to counsel and the inmate grievance process.

In addition to WLC’s report, last year, *NPR* and *The Marshall Project* reported extensively on the deaths of seven incarcerated men and serious alleged abuses by USP Thomson staff.² At the request of Senator Durbin, Senator Duckworth, and former Representative Bustos, the Department of Justice’s (DOJ) Office of the Inspector General (OIG) agreed to review the

¹ “[Cruel and Usual: An Investigation into Prison Abuse at USP Thomson](#),” The Washington Lawyers’ Committee for Civil Rights and Urban Affairs, Uptown People’s Law Center, Levy Firestone Muse LLP, Last accessed July 12, 2023.

² “[How the newest federal prison became one of the deadliest](#),” Christie Thompson, *The Marshall Project*, Joseph Shapiro, May 31, 2022.

inmate deaths and include the prison in a broader report on deaths that have occurred in Bureau of Prisons (BOP) custody.³ OIG's report is pending. As of the writing of this letter, DOJ and BOP have issued no public findings holding perpetrators of misconduct accountable or, on the other hand, declaring that the USP Thomson allegations are unfounded.

Last year, the Senate Judiciary Committee issued oversight letters⁴ to DOJ and BOP requesting information about BOP employee misconduct generally and BOP employee sexual misconduct or abuse of incarcerated people. In response to these queries, DOJ provided the following information on Bureau-wide allegations of physical abuse of inmates derived from BOP Office of Internal Affairs (OIA) annual reports:

- In FY2018, 474 allegations of physical abuse of inmates under 18 U.S.C. § 241 or 18 U.S.C. § 242 were either reported to the OIA or detected during the course of an investigation. As of October 16, 2018, a decision was made for 110 (23.2 percent) of those allegations.
- In FY2019, 479 allegations of physical abuse of inmates under the same statutes were either reported to the OIA or detected during the course of an investigation. As of December 20, 2019, a decision was made for 184 (38.4 percent) of those allegations.
- In FY2020, 608 allegations of physical abuse of inmates under the same statutes were either reported to the OIA or detected during the course of an investigation. As of March 17, 2021, a decision was made for 213 (35.0 percent) of those allegations.

DOJ provided the following information about allegations of sexual abuse or misconduct at USP Thomson, as of November 18, 2022:

- In 2019, 11 investigations of staff-on-inmate sexual abuse were referred to OIG and zero of those closed cases were sustained.
- In 2020, 18 investigations of staff-on-inmate sexual abuse were referred to OIG and zero of those closed cases were sustained.
- In 2021, 13 investigations of staff-on-inmate sexual abuse were referred to OIG and zero of those closed cases were sustained.

We are extremely concerned by OIA's slow response to allegations of employee misconduct. The safety of incarcerated individuals and BOP employees, as well as public confidence in our criminal justice system, depend on both timely investigations of employee misconduct and appropriate corrective action. BOP must devote more of its \$8 billion budget to timely processing misconduct complaints.

The number and severity of complaints arising out of the SMU and USP Thomson in recent years point to systemic issues and demand a swift response by BOP and DOJ. To that end,

³ [Durbin, Duckworth, Bustos Call for Immediate Federal Investigation into Inmate Deaths, Allegations of Staff Abuses at USP Thomson](#), Press Release, June 2, 2022.; [DOJ OIG Response to Chair Durbin, Senator Duckworth, and Representative Bustos letter on USP Thomson Alleged Abuses](#), June 13, 2022.

⁴ Chair Durbin, Ranking Member Grassley, Senator Feinstein, and Senator Padilla Letter to DOJ on BOP Employee Misconduct and Sexual Abuse dated February 23, 2022; Chair Durbin, Ranking Member Grassley, Senator Feinstein, and Senator Padilla Follow-Up Letter to DOJ on BOP Employee Misconduct dated December 12, 2022.

we ask that you provide the following information no later than (3 weeks from the date of this letter):

1. The number of allegations of physical abuse, verbal threats, verbal abuse, sexual abuse, and improper use of restraints in violation of BOP policy reported at USP Thomson from 2018 to the date of this letter.
2. Of this number, the breakdown of complaints referred to OIG for investigation and those investigated internally by BOP OIA.
3. Since 2018 to date of this letter, provide the number of closed investigations and open investigations with respect to allegations of physical abuse, verbal threats, verbal abuse, sexual abuse, and the improper use of restraints in violation of BOP policy at USP Thomson.
 - a. For each closed investigation, specify whether the misconduct was sustained by OIG or OIA and the type of misconduct.
 - b. For investigations that were closed as sustained, provide the disciplinary action taken.
 - c. For investigations that remain open, provide all information as to whether the employees subject to investigation continue to supervise incarcerated individuals as part of their job responsibilities.
4. Provide the average time it takes to close an investigation after initiation.

As we communicated to each of you when you took office, the safe and effective operation of BOP facilities are one of our top priorities. We implore you to act swiftly to ensure that any BOP employee who has violated federal criminal or civil rights laws be held accountable.

We appreciate your prompt attention to this matter.

Sincerely,



Richard J. Durbin
United States Senator



Charles E. Grassley
United States Senator



Tammy Duckworth
United States Senator



Eric Sorensen
Member of Congress