

Congress of the United States

Washington, DC 20515

April 3, 2017

The Honorable Jeff Sessions
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Attorney General Sessions:

We write to express our concern regarding the impact of the ongoing Federal hiring freeze—specifically, the limited application of the public safety exemption to the Bureau of Prisons (BOP). This limited exemption threatens not only the security of our prisons, but the safety of our communities. We urge the Department of Justice (DOJ) to fully exempt BOP from the Federal government hiring freeze.

As you know, on January 23, 2017, President Trump ordered a freeze on the hiring of Federal civilian employees, except in limited circumstances. Under the order, the “head of any executive department or agency may exempt... any positions that it deems necessary to meet national security or public safety responsibilities.”

We understand that DOJ recently issued guidance to implement the order. Certain law enforcement bureaus within DOJ, such as the Federal Bureau of Investigation, were reportedly fully exempted from the hiring freeze under the public safety and national security exemptions. However, BOP institutions only received a limited public safety exemption. While we recognize and respect each agency’s efforts to comply with the president’s order, we are troubled by DOJ’s decision to not include BOP among the other law enforcement bureaus fully exempt from the hiring freeze.

This limited exemption prohibits BOP from increasing staffing above the level that existed on January 22, 2017. Thus, any vacant positions that had not been filled by January 22 cannot be filled during the hiring freeze. Furthermore, while post-January 22 vacancies at BOP institutions can be filled with external hires under the limited public safety exemption, such hires are not permitted until the Office of Personnel Management provides data on January 22 staffing levels, which, to our knowledge, it has not yet done—effectively blocking all hiring at BOP.

While we have significant concerns about the impact of the overall hiring freeze, we are particularly troubled by the limited application of the public safety and national security exemptions. BOP is responsible for the custody and care of nearly 190,000 Federal inmates and is a prime example of an agency that is critical to public safety. Corrections staff at BOP institutions are responsible for ensuring the safety and security of these inmates, as well as the safety and security of their fellow staff members and the general public. The hiring freeze

jeopardizes their ability to fulfill their duty in an already difficult and sometimes dangerous setting.

We are already hearing from corrections staff about the impact of this limited exemption on the safety of their facilities. For example, due to retirements that occurred at the end of 2016, a number of institutions are facing staff shortages. At a facility in South Carolina, at least 15 staff positions were reportedly vacant as of January 22, including 10 officers. Under the limited public safety exemption, BOP cannot fill these positions, because they had not yet been filled when the hiring freeze began.

Similarly, a BOP medical facility in North Carolina had not yet filled a significant number of vacant nursing positions prior to the hiring freeze. Because the freeze has hindered the facility's ability to fill these vacancies, nurses have been mandated to work overtime and morale is reportedly low.

At the Administrative Penitentiary in Thomson, Ill., the hiring freeze comes at a particularly concerning time. BOP has spent months working to activate the facility in order to help alleviate overcrowding at high security institutions. As of October 2016, Thomson was on target to begin accepting inmates by the end of 2017. However, the freeze has already forced the facility to postpone hiring a new class of incoming officers. Without the exemption, the activation of the facility may be further delayed.

Staffing shortages have also compelled many institutions to increase their reliance on augmentation in order to ensure that enough guards are present throughout their institutions. This problematic practice forces non-security staff, such as secretaries, nurses, teachers, and other employees, to work as corrections officers for a number of hours each week—despite the fact that these employees lack the experience and training of corrections officers.

In conversations with corrections staff, we have heard repeatedly that the hiring freeze “hurts [them] tremendously” and “inhibits [them] from maintaining the safety and security” of our Federal corrections institutions. This is unacceptable.

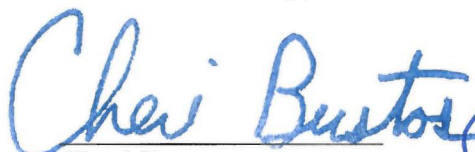
It is imperative that you authorize BOP to hire the corrections staff it needs in order to effectively manage the 122 Federal prisons it oversees across the country. We urge you to immediately amend DOJ's previous guidance on the hiring freeze and apply the public safety exemption to BOP without delay.

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

Sincerely,



Richard J. Durbin
U.S. Senator



Cheri Bustos
Member of Congress



David B. McKinley, P.E.
Member of Congress