

Congress of the United States

Washington, DC 20510

March 3, 2022

The Honorable Michael E. Horowitz, Inspector General
United States Department of Justice
Office of the Inspector General
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Inspector General Horowitz:

We write to you today to express our concerns regarding the health and safety of staff and inmates at Federal Correctional Institution (“FCI”) Dublin in Dublin, California, and to formally request that your office conduct an on-site inspection of the FCI Dublin facility.

Under the Inspector General Act of 1978, as amended, the Department of Justice’s Office of Inspector General (“DOJ OIG”) is authorized to carry out both investigations and audits to “promote economy, efficiency, and effectiveness in the administration of, and ... prevent and detect fraud and abuse in ... [the Department’s] programs and operations.” Given the federal Bureau of Prisons (“BOP”) falls under the jurisdiction of the U.S. Department of Justice, the DOJ OIG has the authority to review inquiries regarding the health and safety of staff and inmates at federal prisons like FCI Dublin. Accordingly, we ask that your office’s on-site inspection investigate the following issues at FCI Dublin. Such an inspection should include interviews with a representative sample of inmates and staff at FCI Dublin.

- Compliance with the Prison Rape Elimination Act (“PREA”) of 2003
- Flawed reporting and investigation procedures regarding complaints of sexual violence and retaliation
- Retaliation against staff and inmates for filing complaints or assisting in the investigation of complaints
- Inadequate camera surveillance and the impact on inmate and staff safety
- Low staffing levels and the impact on inmate and staff health, safety, and morale

We were first made aware of the systemic issues plaguing FCI Dublin through the detailed articles and investigations completed by several reputable news sources earlier this month, including that of the Associated Press.¹ These writings detailed how the all-women inmate population at FCI Dublin has allegedly been subjected to rampant sexual harassment and abuse at the hands of predatory male employees like former Warden Ray Garcia, former Chaplain

¹ See Michael R. Sisak & Michael Balsamo, *AP Investigation: Women’s Prison Fostered Culture of Abuse*, The Associated Press, Feb. 6, 2022, <https://apnews.com/article/prisons-california-united-states-sexual-abuse-only-on-ap-d321ae51fe93dfd9d6e5754383a95801>; see also Michael R. Sisak & Michael Balsamo, *Worker Pleads Guilty to Abusing Inmates at US Women’s Prison*, The Associated Press, Feb. 11, 2022, <https://apnews.com/article/coronavirus-pandemic-health-california-oakland-prisons-5085536a92b12afa46bbfcf00cba46d9>.

James Theodore Highhouse, Prison Safety Administrator John Bellhouse, and recycling technician Ross Klinger.

These media reports uncovered inmates at the facility had made the first internal complaints to staff members about five years ago, but they were largely ignored. This is unacceptable considering PREA Standard 51(b) requires agencies to “provide at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials, allowing the inmate to remain anonymous upon request.”

We have also been made aware of FCI Dublin’s failure to comply with PREA. PREA standards mandate facilities like FCI Dublin complete an annual audit detailing incidents of sexual harassment, abuse, and assault of staff and inmates in its custody. Yet, we learned FCI Dublin leadership has not completed a PREA audit since 2017. While part of the delay is understandable given the COVID-19 pandemic, this does not justify why FCI Dublin has not completed an audit in 2018 and 2019. It is past time for an updated audit to be issued. Furthermore, PREA Standard 115.51(d) requires FCI Dublin leadership to “provide a method for staff to privately report sexual abuse and sexual harassment of inmates,” which is important so that staff have an avenue to make a report in a manner that other staff are not made aware of such a report.

Instead of “enabl[ing] staff to report abuse or harassment directly to an investigator, administrator, or other agency entity without the knowledge of the staff member’s direct colleagues or immediate supervisor” as required by the PREA Notice of Final Rule, current acting Warden Ray Hinkle sent a mass email to all staff on January 30, 2022 at 09:22 PM exposing the correspondence sent by some employees in violation of PREA. Also, by questioning the validity of the correspondence that was sent to “high ranking officials within the Bureau of Prisons and the Department of Justice, congressional representatives, ACLU(?) OSHA, etc.,” Hinkle’s email has a very chilling effect upon FCI staff and inmates who want to speak out but are afraid of retaliation.

FCI Dublin’s status is especially concerning considering your office completed its “Review of the Federal Bureau of Prisons’ Management of Its Female Inmate Population” in September 2016 after “members of Congress and public interest groups ... rais[ed] concerns about what they considered to be deficiencies in BOP’s current management of female inmates.” In this report that examined BOP’s management of its female inmate population between FYs 2012 and 2016, your office highlighted issues with BOP facilities complying with PREA and its internal Female Offender Manual. Had FCI Dublin leadership taken this report seriously, they would have published its PREA report annually and implemented the necessary changes to keep inmates and staff safe.

In light of these concerns, we urge you to conduct an on-site inspection of the FCI Dublin facility as soon as possible. We are gravely concerned that without additional oversight, BOP will continue to endanger the safety of the staff and incarcerated women at FCI Dublin. Thank you for your consideration of this urgent matter, and we look forward to your response by **March 28, 2022.**

Sincerely,



Jackie Speier
Co-Chair
Democratic Women's Caucus



Eric Swalwell
Member of Congress



Karen Bass
Member of Congress



Brenda L. Lawrence
Co-Chair
Democratic Women's Caucus



Lois Frankel
Co-Chair
Democratic Women's Caucus



Veronica Escobar
Vice Chair
Democratic Women's Caucus



Sylvia R. Garcia
Vice Chair
Democratic Women's Caucus



Sheila Jackson Lee
Member of Congress