



**U.S. Department of Justice
Office of the Inspector General
Evaluation and Inspections Division**

The Federal Bureau of Prisons' Monitoring of Mail for High-Risk Inmates

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EXECUTIVE SUMMARY

INTRODUCTION

The Office of the Inspector General (OIG) conducted this review to evaluate how effectively the Federal Bureau of Prisons (BOP) prevents terrorist and other high-risk inmates from using the mail to continue or encourage criminal behavior, threaten the public, or compromise national security. This issue received widespread public attention in March 2005 when media reports disclosed that three convicted terrorists incarcerated at the BOP's Administrative Maximum (ADX) penitentiary in Florence, Colorado, for the 1993 bombing of the World Trade Center wrote approximately 90 letters to Islamic extremists between 2002 and 2004.¹ These extremists included Mohamed Achraf, alleged leader of a plot to blow up the National Justice Building in Madrid and other inmates who were members of a Spanish terror cell with links to other terrorists suspected in the March 11, 2004, attacks on commuter trains in Madrid.

The BOP monitors inmate mail to protect the public, BOP staff, and inmates from other inmates continuing their criminal activities from prison. Terrorist and other high-risk inmates are placed on mail monitoring lists, which require that all of their incoming and outgoing mail be read by BOP staff. The mail of inmates not on such monitoring lists is read on a random basis. When inmate mail is in a foreign language, the BOP may have it translated or reviewed by an individual fluent in that language. Because many of the BOP staff members who monitor mail also monitor inmates' telephone calls, our review also examined the monitoring of inmates' verbal communications over the telephone, as well as in visiting rooms and in the cellblock. To evaluate the BOP's monitoring activities, the OIG visited 10 BOP institutions and interviewed staff responsible for the institutions' security and inmate communications monitoring operations. In total, we interviewed 163 BOP employees and managers and 16 other persons in the Department of Justice (Department).

RESULTS IN BRIEF

We found that the BOP has not effectively monitored the mail of terrorist and other high-risk inmates. Our review determined that the BOP's monitoring of inmate mail is deficient in several respects: The BOP

¹ Lisa Myers, "Imprisoned Terrorists Still Advocating Terror," www.msnbc.msn.com/id/7046691, March 1, 2005, and Lisa Myers, "Jihad Letters From Prison Went Far, Wide," www.msnbc.msn.com/id/7140883, March 9, 2005 (March 21, 2005).

does not read all the mail for terrorist and other high-risk inmates on its mail monitoring lists, does not have enough proficient translators to translate inmate mail written in foreign languages, and does not have sufficient staff trained in intelligence techniques to evaluate whether terrorists' communications contain suspicious content.² Similarly, we found that the BOP is unable to effectively monitor high-risk inmates' verbal communications, which include telephone calls, visits with family and friends, and cellblock conversations. In addition, the Department does not require a review of all international terrorist inmates to identify those who should be subjected to Special Administrative Measures (SAMs), the most restrictive conditions that can be placed on an inmate's communications.³

During interviews with the OIG, BOP managers acknowledged the BOP's responsibility to vigilantly monitor inmate communications. They stated that after the ADX Florence incident, the BOP initiated several corrective actions and plans to initiate others to improve its monitoring of international terrorist communications. For example, the BOP hired full-time staff to translate Arabic communications, started upgrading its intelligence analysis capabilities, and developed policies to limit high-risk inmates' mail and telephone calls.

However, the Director and BOP managers stated that the BOP cannot fully implement the planned initiatives because of budget constraints and an increasing inmate population. Consequently, the threat remains that terrorist and other high-risk inmates can use mail and verbal communications to conduct terrorist or criminal activities while incarcerated.

We now provide a description of our main findings.

BOP does not read a sufficient amount of inmate mail.

At each of the 10 institutions we visited, staff members told us that their institution does not meet the BOP goal of reading all the mail of inmates on the institution's mail monitoring list to detect terrorism or other criminal activity. Furthermore, the staff at those institutions reported wide

² Monitoring the mail consists of *inspecting* for drugs, weapons, explosives, and other contraband and *reading* mail for suspicious content. Our report focused on the BOP's procedures for reading mail.

³ SAMs are used when there is a substantial risk that communications can lead to death or bodily harm. The Attorney General must approve each use of SAMs.

variations in the amount of mail randomly read for inmates not on mail monitoring lists.⁴

Mail Monitoring Lists

Although the BOP has not stated it in written guidance, the BOP expects staff to read 100 percent of the mail for inmates on monitoring lists, according to the BOP Assistant Director for the Correctional Programs Division. However, according to Special Investigative Supervisor (SIS) staff at the 10 institutions that we visited, this goal has not been attained.⁵ In fact, at seven of the institutions we visited, SIS staff told us that their reading of mail for inmates on mail monitoring lists had decreased during the past year. The SIS staff attributed the decrease to the reallocation of positions assigned to the SIS office as part of BOP-wide streamlining initiatives. SIS staff members stated that with less staff, mail monitoring, when combined with other responsibilities such as monitoring inmate telephone calls and carrying out investigative duties, is overwhelming. They stated that their heavy workload leaves them less time to gather and analyze intelligence on inmate activities through reading mail.

At three institutions we visited, the amount of mail SIS staff monitored also was affected by the BOP's rotational assignment policy. At these institutions, some of the mail monitoring was done by telephone monitors who assisted permanent SIS staff in performing both telephone and mail monitoring. Because the telephone monitor position was a 3-month rotational assignment, permanent SIS staff had to train a new telephone monitor each quarter, which they described as time-consuming.⁶ Unlike permanent SIS staff, the rotational staff members were not familiar with inmates on the mail monitoring list or with what might be unusual content in the inmates' mail, such as suspicious language, codes, or signs that a letter was from another inmate. The steep learning curve for rotational SIS officers reduced the amount of communications monitored. At the other seven institutions we visited, the BOP's rotation policy was not an issue because the institutions either did not have telephone monitor

⁴ We relied on the statements of staff at the institutions to characterize the amount of reading that they perform because the BOP does not collect data on the volume of inmate mail sent or received at any institution, the amount of mail of inmates on mail monitoring lists that is read, or how much mail is randomly read.

⁵ Each BOP institution has an SIS office, which is responsible for advising executive staff on security matters, conducting inmate and staff investigations, and gathering intelligence through monitoring of inmate communications.

⁶ An institution's Correctional Officers may bid for a rotational assignment. The selection for the assignment is based on seniority.

positions or the incumbents of the telephone monitor positions had sufficient seniority to retain the positions.

At two of the institutions we visited, the temporary assignments of SIS staff to cover vacant security posts elsewhere in the institution further reduced the level of mail monitoring and intelligence gathering that the SIS offices could accomplish. SIS staff stated that as a result, when they were able to read the mail it was done in a rushed manner that risked missing valuable intelligence.

Federal Bureau of Investigation (FBI) Special Agents assigned to the institutions we visited also expressed concern about the reduced level of monitoring and staffing in some SIS offices. Much of the agents' knowledge about inmates and leads on potential terrorist and criminal activities came from the SIS offices' monitoring of inmate mail and verbal communications. The FBI agents said vigorous monitoring on the part of the BOP is needed to obtain important intelligence information about subjects outside the prison as well as about inmates.

Random Reading of Mail

Although the BOP does not track the amount of incoming and outgoing mail for inmates who are not on monitoring lists, we found wide variations in the amount of mail randomly read at the institutions we visited. Random reading of inmate mail, which is done by mailroom staff (incoming mail) and Housing Unit Officers (outgoing mail) rather than SIS staff, is important to gather intelligence on potential criminal and terrorist activity, as well as to identify unusual inmate behavior. Random reading also can detect inmates on the mail monitoring list who are attempting to circumvent SIS monitoring by using unmonitored inmates to send and receive mail for them.

Despite the importance of random reading, the BOP's policy for inmate correspondence and mail management does not require institutions to track the amount of incoming or outgoing mail, does not set targets for random reading by staff, and does not require each institution to measure the level of random reading achieved. When we asked the institutions we visited to track the volume of incoming mail and the amount randomly read for a short test period, the reported percentages of mail read varied from 0.3 percent to 75 percent.

At seven institutions, mailroom staff told us that the high volume of mail, short processing deadlines, and staff reductions have decreased the amount of random reading of inmate mail and the amount of suspicious

content mailroom staff can identify and refer to the SIS office for follow-up. In contrast, outgoing inmate mail is more likely to get read than incoming mail. At each of the institutions we visited, Housing Unit Officers on the 12 a.m. – 8 a.m. shift, when inmate movement and activities are minimal, sort, search, and randomly read outgoing mail. These officers have less mail volume and more time than day-shift mailroom staff to review the mail for both contraband and content.

Capability to translate foreign language mail does not sufficiently support monitoring needs.

Although the BOP is largely responsible for translating inmates' foreign language communications to detect terrorism and other criminal activities, its system for translating mail is inadequate.⁷ The BOP primarily uses staff members who volunteer to translate foreign language mail as a collateral duty, and it does not have a comprehensive policy that (1) provides standard procedures or requirements for staff translations, (2) requires staff acting as translators to have a certain level of language proficiency and be tested for proficiency, and (3) establishes a procedure to randomly review the accuracy of translations. As a result, according to SIS staff, BOP volunteer staff translations are inconsistent, translators have varying levels of language proficiency, and some translations have been faulty.

Moreover, the BOP does not have enough staff members fluent in foreign languages to provide all necessary translations, especially for inmate communications in Spanish, the most frequently spoken foreign language. The shortage of staff translators is aggravated by the BOP's inconsistently applied and ineffective incentives to motivate staff with needed language skills to translate voluntarily, as well as by some supervisors' lack of support for such collateral translation duties. In 2005, the BOP hired its first staff members dedicated to translating foreign language inmate communications – three full-time Arabic Language Specialists at ADX Florence. In late 2005, the BOP began providing intelligence training to these Language Specialists to enable them to provide analyses of what they translate.

In an earlier effort to expand its capabilities, the BOP established the Language Translation Services Project in 2003 to have international terrorist inmates' foreign language communications translated by General Services Administration-approved contract translators. Services under the centrally funded contracts are expensive and limited to terrorism inmates'

⁷ The BOP is responsible for translating inmate foreign language communications, except for the 34 inmates under SAMs who are the responsibility of the FBI.

communications in Middle Eastern and Asian languages. To translate other inmate communications, institutions must find and fund any non-BOP translation resources themselves. We found that the institutions do not always have the money to pay for external translation services, and federal agencies such as the FBI that do not require reimbursement for translations they provide often do not have enough translators to meet the institutions' needs.

Intelligence capability to analyze the content of terrorist inmates' mail is not well developed.

We found that the BOP lacks sufficient intelligence capability to adequately analyze information from inmate mail to detect terrorist activity. Although historically SIS staff members have analyzed intelligence to detect and deter traditional criminal activity, they have yet to develop the specialized capabilities needed to analyze potential terrorism communications. SIS staff members have implemented investigative techniques and established relationships with other law enforcement agencies that assist them in gathering and analyzing information about criminal activity such as the introduction of drugs and gang violence inside the prisons. But the methods BOP staff use to analyze intelligence for traditional criminal activity are often not sufficient for detecting terrorist activity, which entails analyzing communications in uncommon foreign languages, understanding extremist ideology and radicalization, understanding world-wide terrorism networks, performing link analysis, and overseeing the enforcement of SAMs.⁸

While the presence of international terrorist inmates in BOP institutions makes improving the SIS staff's ability to detect terrorist activity essential, the BOP does not provide the intelligence training needed to adequately undertake that work. At the institutions we visited, BOP officials and staff told us that staff directly responsible for monitoring terrorist and high-risk inmates need additional intelligence training to adequately analyze inmate mail for terrorist inmates. We found that the BOP has provided only one 3-day course to SIS supervisors in September 2005, two classes that contained terrorism information during a mandatory 4-day introductory course on investigative practices for all newly appointed SIS Lieutenants, and 1 hour of training to all employees during their Annual Refresher Training.

We also found that the BOP has not taken full advantage of the greater access to intelligence, information sharing, and resources it can

⁸ Link analysis is the process of identifying what relationships exist between objects that are not apparent from isolated pieces of information.

obtain through federal law enforcement task forces, particularly the FBI's Joint Terrorism Task Forces (JTTF). The BOP took a key step in that direction in 1999 when it established Intelligence Operations Officer (IO) positions at 12 of its Metropolitan Detention Centers (MDC) and Metropolitan Correctional Centers (MCC). The IOs were intended to act as the institutions' link with all federal law enforcement task force operations, including the JTTFs. But we found that neither MCC New York nor MDC Brooklyn – which both house terrorist inmates – had their IOs serving on the local JTTF. The MDC Brooklyn IO was not currently serving as a member of the JTTF due to other workload demands and the MCC New York IO was only designated to be a liaison on the JTTF. Of five other BOP institutions we contacted, two had IOs who were full-time JTTF members; the IOs at the other three were part-time members or liaisons.⁹

Problems affecting the BOP's monitoring of mail also affect monitoring of telephone calls and other verbal communications.

Similar to the deficiencies we found in the BOP's mail monitoring, we found that the BOP is unable to effectively monitor inmates' verbal communications, including telephone calls, visits with family and friends, and cellblock conversations. Because of staffing reductions and the limitations of the BOP's foreign language translation capability, none of the institutions we visited consistently met the BOP goal of monitoring 100 percent of telephone calls for inmates on telephone monitoring lists.¹⁰ Institutions also did not consistently meet Regional Directors' goals of randomly monitoring 10 to 15 percent of other inmates' calls. For the calls that are monitored, many staff members were not adequately trained to recognize suspicious content in terrorist inmates' conversations. We also found that because of these same limitations, the BOP did not monitor the cellblock conversations of SAMs inmates or the visiting room conversations of international terrorist and other high-risk inmates who were not under SAMs. In addition, a lack of audio recording equipment was a further barrier to recording cellblock and visiting room conversations at most institutions.

⁹ A member of the JTTF is supervised by and receives assignments from an FBI JTTF squad leader. A JTTF liaison is not a participating member of the JTTF, but rather only acts as a point of contact.

¹⁰ Institutions can track the volume of inmate telephone calls and the number monitored through the electronic telephone system.

Telephone Monitoring Lists

According to BOP telephone records, 8 of the 10 BOP institutions we visited were not consistently meeting the BOP's goal of monitoring 100 percent of the conversations of inmates on telephone Alert lists.¹¹ Even the country's highest security federal prison, ADX Florence, which houses the most dangerous high-risk inmates, monitored less than 50 percent of the calls of inmates on the Alert list in fiscal year (FY) 2005.

At seven of the institutions we visited, staff members told us that three factors reduced the amount of calls being monitored for inmates on the Alert and regular telephone monitoring lists along with the amount of intelligence gathering and analyses that could be conducted: the rotation of staff in the SIS telephone monitor position, the loss of those positions in some institutions, and the use of SIS staff to cover vacant security posts elsewhere in the institutions. Additionally, as with mail monitoring, telephone calls conducted in foreign languages were often not translated and therefore not monitored, including calls from inmates on the telephone Alert list. BOP staff who conducted telephone monitoring in 5 of the 10 institutions we visited stated that if the institution did not have a staff member readily available to translate a foreign language telephone call, it was unlikely to get translated, even though calls are recorded. As a result of the limited monitoring of Alert and foreign language telephone communications, important intelligence information can be missed.

Random Telephone Monitoring

In addition, we found only three institutions met or surpassed the monthly goals set by Regional Directors for randomly monitoring 10 to 15 percent of all other telephone calls placed by inmates. Random telephone monitoring can be conducted by any BOP staff member granted access to the telephone system, not just by SIS staff. Nonetheless, most of the institutions we visited did not consistently meet their monthly goals. Also, according to BOP staff who monitor inmate telephone calls, translation of foreign language calls remains a problem during random monitoring.

Audio Recording of Cellblock Conversations and Visits

Only one of the four institutions we visited that house SAMs inmates recorded those inmates' cellblock conversations as authorized under federal regulations and SAMs procedures. SIS and other management staff at the

¹¹ Alert lists are a subset of the telephone monitoring lists and include inmates that meet special criteria, including those convicted of terrorist activities. Alert calls trigger a signal on the telephone system so that SIS staff know they are to monitor the call "live."

other three institutions stated that while they wanted to monitor such cellblock conversations, they were constrained by a lack of equipment, staff, and translators. ADX Florence was able to record SAMs inmates' cellblock conversations because the prison already had recording equipment available as part of the cellblock construction.

We also found that the BOP has no guidelines specifying when cellblock conversations of SAMs inmates are to be recorded. In addition, neither the FBI nor the U.S. Attorneys' Offices (USAO) for the sites we visited had ever requested that the BOP record cellblock conversations of SAMs inmates.

Inmates under SAMs are permitted to have only non-contact visits that are recorded and monitored live by the FBI.¹² However, terrorist and high-risk inmates not under SAMs are permitted contact visits, and none of the 10 institutions we visited had the capability to make audio recordings of conversations in the institutions' large contact visiting rooms.¹³ BOP staff stated that inmates realize that their telephone conversations and mail are monitored and consequently direct their family and friends to visit because they know that audio monitoring is not conducted in the visiting rooms. Therefore, BOP staff told us that they want the capability to listen to visiting room conversations of selected inmates not under SAMs to detect planned terrorist and criminal activities or other inappropriate behavior.

However, the BOP does not have a policy addressing the recording of social visits for non-SAMs terrorist and high-risk inmates to guide institutions on when and how to carry out this type of monitoring. Further, recording visiting room conversations would be difficult because the rooms are often noisy and, without specialized equipment, specific conversations would be inaudible among the many other ongoing conversations. In addition, the institutions' limited SIS, visiting room, and translator staff members would be further stretched by the additional responsibility of recording and listening to contact visit conversations.

¹² Non-contact visits do not allow any physical contact between inmates and their visitors. Non-contact visits are conducted in special booths separate from the "contact" visiting rooms, and the booths have physical barriers such as glass partitions. Only a small number of inmates are required to have non-contact visits: inmates under SAMs and inmates whose visitation privileges have been restricted as a result of disciplinary action.

¹³ Contact visits allow inmates to meet with visitors without physical barriers between them. Limited physical touching is permitted, such as a quick kiss, embrace, or handshake at the beginning and end of the visit. Contact visits are conducted in a large, open visiting room with numerous inmates and visitors in the room at the same time.

The Department's coordination and information sharing for international terrorist inmates are inadequate.

The Department does not have a policy requiring that all inmates arrested for international terrorism-related crimes be reviewed to determine whether they should be placed under SAMs. Without a requirement for a SAMs review, there is no guarantee that international terrorist inmates will be considered for SAMs. Consequently, terrorist inmates who pose a risk of continuing their terrorist activities may not receive the heightened security and communications monitoring they require during pretrial and post-conviction incarceration.

We also found that the FBI's intelligence gathering and information sharing on incarcerated terrorists vary widely among FBI field offices. At two of the five FBI offices at the sites we visited, FBI agents conducted little to no proactive intelligence gathering regarding the activities of the terrorist inmates or inmates described as terrorist associates. For example, the FBI agent assigned to ADX Florence did not closely monitor terrorist inmates housed at that facility until August 2004 – when Spanish authorities told the FBI that the three 1993 World Trade Center bombers housed at the ADX had been corresponding with Islamic extremists in Spanish prisons and elsewhere. The ADX Florence SIS staff told us that the FBI showed little to no interest in the international terrorist inmates prior to that time. We believe that better information gathering and intelligence sharing between the BOP and the FBI could have identified the need to place those three ADX inmates under SAMs.

Officials at institutions housing SAMs inmates also told us in January 2006 that they were experiencing backlogs of FBI mail and telephone translations for these inmates. SAMs provisions require the FBI to complete translations of inmate communications within 60 days. Staff members in at least three of the institutions we visited reported delays of 6 to 18 months in obtaining Arabic translations of SAMs inmate letters from the FBI. An FBI official said the FBI does not have enough Arabic translators to meet the demand for translations for all the FBI's ongoing counterterrorism efforts. Consequently, the official said the FBI must prioritize the translation workload, which leads to delays in obtaining translations. These delays in translations for SAMs inmates pose a security risk because plans for terrorist and criminal activities could be communicated to or by inmates through the mail or telephone and implemented by outside contacts before translations are completed and the intelligence gleaned from them shared.

Further, staff at MCC New York told us that law enforcement agencies and USAOs do not provide adequate information about newly incarcerated

terrorist inmates to allow the staff to determine the level of mail monitoring and other security measures required. The BOP depends on the arresting agency and the USAO to provide information on the inmates' background, criminal history, and security threat. However, staff at MCC New York reported that they routinely receive pretrial terrorist inmates with little background information other than the charges under which the inmates are being held. The staff told us that the lack of information about inmates puts the security of staff and the institution at risk.

BOP Initiatives

The BOP has several ongoing and proposed initiatives to improve the monitoring of communications for terrorist and other high-risk inmates. The initiatives include building stronger foreign language translation and intelligence analysis capabilities within the BOP, consolidating all terrorist inmates in a few institutions in order to concentrate the resources required to monitor them, limiting the volume of mail and other types of communication available to terrorists or other high-risk inmates, and eliminating unsolicited (junk) mail for all inmates.

Arabic Translators - In 2005 the BOP hired three full-time Arabic Language Specialists at ADX Florence. These Language Specialists also are available to translate for other institutions. The Language Specialists are required to have Top Secret security clearances and be certified proficient in Arabic by the FBI.

Language Translation Software - The BOP is exploring the use of language translation software. BOP officials said that although such language software is promising, it does not yet meet BOP standards for accuracy. Therefore, the BOP plans to use language translation software only to initially assess inmate communications in the absence of a qualified translator.

Counterterrorism Unit - The BOP is developing a headquarters-level Counterterrorism Unit where four additional full-time Arabic Language Specialists will be co-located with BOP Intelligence Analysts. The BOP believes that co-locating the Language Specialists will improve the accuracy and timeliness of translations of inmate communications. The goals of the unit are to consolidate counterterrorism intelligence, produce intelligence products for BOP institutions, improve information sharing on terrorism matters with the FBI and other federal and state law enforcement agencies, and manage BOP translation services.

Counterterrorism Training - The BOP said it is collaborating with the FBI to develop training targeted to the BOP's specific needs of managing high-risk inmates. BOP officials said they are assessing various counterterrorism and intelligence training to determine which topics would be most applicable to the correctional setting.

Link Analysis Database - In June 2004, the Intelligence Section at BOP headquarters created a terrorist inmate database to conduct link analyses. The database includes information on inmate correspondence, telephone calls, and financial transactions. The BOP is seeking to enhance its link analysis capabilities to include all existing data systems that contain inmate information.

Consolidation of International Terrorist Inmates - The BOP is planning to consolidate all international terrorist inmates in approximately six institutions for enhanced management and monitoring. The BOP believes that this consolidation will allow it to achieve better counterterrorism coverage with its limited intelligence, counterterrorism, and translation resources, while allowing the remaining institutions to concentrate on gang-related activity and other prison-based issues.

Limiting Mail and Verbal Communications - The BOP is developing a new policy that would permit it to limit the communications of inmates detained or charged with any terrorist-related activity upon request from the FBI or other law enforcement agency, or if BOP identifies a need to impose such restrictions. Under this policy, the BOP could limit an inmate to communicating only with immediate family members, courts, the inmate's attorney, members of Congress, law enforcement agencies, and other specified entities. In addition, the BOP is considering other limits on such inmates' communications. As of July 2006, the BOP was coordinating the final policy with the Department.

The BOP also is developing a policy to limit or eliminate unsolicited junk inmate mail. This limitation would reduce the overall volume of mail so that institutions could better focus their efforts on inspecting the mail for contraband and reading it for evidence of criminal activity. The BOP anticipated sending this proposed policy to the Department for review in August 2006.

FBI Initiatives

The FBI Assistant Director for Counterterrorism told us that during FY 2005 the FBI sought to identify more systematically where terrorists are incarcerated, as well as better monitor their activities and identify who they are communicating with. Toward that end, the FBI directed all field offices to open case files on all incarcerated international terrorist inmates within their jurisdictions. Before this change in policy, the FBI case agent who had arrested an inmate was responsible for monitoring that inmate, no matter where the inmate was eventually incarcerated. The FBI expected this policy change to increase communication between the FBI and the BOP because the jurisdiction and responsibility for monitoring international terrorist inmates now resides with the FBI office closest to where the prison is located. Additionally, the FBI has agreed to assist in training BOP staff in counterterrorism issues.

CONCLUSION AND RECOMMENDATIONS

Our review found that the BOP has not ensured that mail for terrorist and other high-risk inmates on its monitoring lists is consistently read and analyzed to detect terrorism, criminal activities, or other inappropriate behavior. Although the BOP expects 100-percent monitoring of inmate communications for inmates on monitoring lists, we found that BOP institutions do not read all the mail for these inmates. The BOP also does not have enough trained staff to translate foreign language mail or adequate staff trained in terrorism and intelligence techniques to analyze the content of mail to and from inmates convicted of terrorism-related offenses.

The problems that we found with mail monitoring also have implications for the BOP's monitoring of verbal communications. For example, BOP institutions do not always monitor the telephone calls of inmates on telephone monitoring lists, and as with mail monitoring, the foreign language translations and intelligence analyses of inmate telephone calls and other communications are not consistently performed.

Our report contains 15 recommendations to help the BOP improve its monitoring capabilities for inmate mail and verbal communications, among them:

- We recommend that the BOP ensures that all mail of inmates on its mail monitoring lists is read and that targets are set and measured for random reading of other inmate mail, including translation of foreign language mail.

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- For inmate communications requiring translation, we recommend that the BOP issue guidance that establishes procedures for conducting quality in-house translations and offer more language training, especially in Spanish, to staff who perform collateral translation duties.
 - We recommend that the BOP provide advanced and continuing counterterrorism intelligence training to its full-time Language Specialists, SIS staff, and intelligence staff, and strengthen its access to intelligence information through membership on the FBI's Joint Terrorism Task Forces.
 - We recommend that the BOP ensure that all telephone calls of inmates on the telephone monitoring lists are monitored, including foreign language calls, and that random monitoring of other inmate telephone calls includes a target for monitoring a percentage of foreign language calls.
 - We recommend that the BOP consider implementing audio monitoring of cellblock conversations of all SAMs inmates. In addition, we recommend that the BOP issue guidance to its institutions that explains how recording cellblock conversations and visits will be used within the BOP for detecting, deterring, and investigating terrorist and criminal activities.
 - We recommend that the Criminal Division and the National Security Division, on behalf of the Department, develop a coordinated and mandatory review process for the FBI, USAOs, the Criminal Division, and the National Security Division to determine applicability of SAMs for all inmates incarcerated for terrorism-related crimes, pretrial and post-conviction.

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LIST OF ACRONYMS

ADX	Administrative Maximum Facility
ATAC	Anti-Terrorism Advisory Council
BOP	Federal Bureau of Prisons
CTS	Counterterrorism Section
FBI	Federal Bureau of Investigation
FCI	Federal Correctional Institution
FDC	Federal Detention Center
FY	Fiscal Year
GSA	General Services Administration
INTRUDR	Inmate Trust Fund Digital Recorder
IO	Intelligence Operations Officer
ISM	Inmate Systems Management
ISO	Inmate Systems Officer
JTTF	Joint Terrorism Task Force
LSCI	Low Security Correctional Institution
MCC	Metropolitan Correctional Center
MDC	Metropolitan Detention Center
NCIC	National Crime Information Center
NJTTF	National Joint Terrorism Task Force
OEO	Office of Enforcement Operations
OIG	Office of the Inspector General
R&D	Receiving and Discharge
SAMs	Special Administrative Measures
SIS	Special Investigative Supervisor
USAO	U.S. Attorney's Office
USP	U.S. Penitentiary

GLOSSARY

Bid Position – A bid position is a post in which a BOP Correctional Officer can make a request for assignment. Post assignments are generally based on seniority.

BOP Administrative Facilities – Administrative facilities are institutions with special missions, such as the detention of pretrial offenders; inmates with serious medical problems; or the containment of extremely dangerous, violent, or escape-prone inmates. Administrative facilities include Metropolitan Correctional Centers, Metropolitan Detention Centers, Federal Detention Centers, and Federal Medical Centers, as well as the Administrative Maximum U.S. Penitentiary at Florence, Colorado. Administrative facilities are capable of holding inmates in all security categories.

BOP Intelligence Operations Officer (IO) – The IO position exists at BOP institutions in select metropolitan areas such as the Metropolitan Correctional Centers and Metropolitan Detention Centers. This management-level position is supervised by the Intelligence Operations Officer (IO) located at the BOP Central Office in Washington, D.C. The IO works with law enforcement agencies and the courts to obtain information regarding inmates pending indictment or already in BOP custody. The information is to be used for determining the inmate's security risk to the BOP and the public.

BOP Unit Manager – The Unit Manager directs and manages an inmate housing unit and is responsible for the unit's operation and security. The Unit Manager also is responsible for planning, developing, implementing, supervising, and coordinating individual programs for inmates, such as educational and vocational training, substance abuse treatment, counseling, and medical and health treatment.

Joint Terrorism Task Force (JTTF) – JTTFs are squads within the FBI's field and select resident agency offices that focus primarily on addressing terrorism threats and preventing terrorist incidents. JTTFs are operational units that respond to terrorism leads and conduct terrorism investigations. The JTTFs pool the resources and expertise of multiple law enforcement agencies, federal, state, and local, to collect and share counterterrorism intelligence.

JTTF Liaison – A JTTF liaison is not a participating member of the JTTF, but rather acts as a point-of-contact for an agency and may periodically attend JTTF meetings.

JTTF Member – A member of the JTTF is supervised by and receives assignments from an FBI JTTF squad leader. These assignments could include assisting the JTTF in developing leads, conducting investigations, interviewing subjects, providing intelligence to the FBI on BOP inmates, and planning strategies for investigations to be conducted inside the BOP.

Link Analysis – Link analysis is the process of identifying what relationships exist between objects that are not apparent from isolated pieces of information.

Metropolitan Correctional Centers (MCC) and Metropolitan Detention Centers (MDC) – MCCs and MDCs are administrative facilities housing federal male and female inmates of all security levels who are primarily pretrial and holdover inmates (i.e., they have been convicted but are being held temporarily for a federal court appearance).

National Crime Information Center (NCIC) – NCIC is a computerized index of criminal justice information (i.e., information on criminal histories, fugitives, stolen properties, missing persons, foreign fugitives, immigration violators, violent gangs, and terrorist organizations) maintained by the FBI.

National Joint Terrorism Task Force (NJTTF) – The NJTTF is a multi-agency task force run by the FBI with representatives from the intelligence, law enforcement, defense, diplomatic, public safety, and homeland security communities. The NJTTF provides administrative, logistical, policy, financial, and training support and guidance to the JTTFs. According to the FBI, the NJTTF serves as the “point of fusion” for terrorism intelligence for the JTTFs, member agencies, and others in the intelligence community.

BACKGROUND

In March 2005, news media reports revealed that three convicted terrorists, Mohammed Salameh, Mahmud Abouhalima, and Nidal Ayyad, incarcerated at the Federal Bureau of Prisons' (BOP) Administrative Maximum facility (ADX) in Florence, Colorado, for the 1993 bombing of the World Trade Center, wrote over 90 letters to Islamic extremists outside the prison between 2002 and 2004.¹⁴ These extremists included inmates who are members of a Spanish terror cell with links to other terrorists suspected in the March 11, 2004, terrorist attacks on Madrid commuter trains. One of the letters from Salameh was found in the possession of Mohamed Achraf, described as the leader of a radical Muslim cell, who was charged in October 2004 in Spain for plotting to blow up the National Justice Building in Madrid, which is Spain's "nerve center" for investigating Islamic terror.¹⁵ Salameh also praised Osama bin Laden as a hero in a letter sent to Arabic newspapers. According to the March 2005 news reports, at least 14 letters were exchanged between the three terrorists in ADX Florence and the Spanish terror cell. In addition, 1 of the 17 people arrested in Spain for recruiting suicide operatives used these letters in his recruitment efforts. One of the news articles reported that a BOP employee who translated some high-profile terrorism communications warned in 2003 that many "Arabic letters and phone calls are unmonitored due to a lack of Arabic-speaking staff."¹⁶

The Office of the Inspector General (OIG) conducted this review to evaluate how effectively the BOP prevents terrorist and other high-risk inmates from using the mail or the cover of a foreign language to continue or encourage criminal behavior, threaten the public, or compromise national security. Because many of the BOP staff members who monitor mail also monitor the inmates' telephone calls, our review also examined the monitoring of inmates' verbal communications.

¹⁴ Lisa Myers, "Imprisoned Terrorists Still Advocating Terror," www.msnbc.msn.com/id/7046691, March 1, 2005, and Lisa Myers, "Jihad Letters From Prison Went Far, Wide," www.msnbc.msn.com/id/7140883, March 9, 2005 (March 21, 2005).

¹⁵ Associated Press, "Spain Says Terrorist Plotted 'Biggest Blow,'" October 20, 2004, www.msnbc.msn.com/id/6282532 (March 6, 2006).

¹⁶ We interviewed the employee and obtained a copy of the memorandum he sent to his Warden in 2003 stating that Arabic communications were unmonitored because of a lack of Arabic-speaking staff in the BOP. In this memorandum, he proposed that the BOP direct all inmate correspondence and telephone calls in Arabic to three Arabic-speaking BOP staff for translation. He never received a response to his proposal.

The BOP's Mission, Operations, and General Inmate Monitoring Procedures

The stated mission of the BOP is to protect society by confining offenders in safe, humane, cost-efficient, and appropriately secure prisons and community-based facilities that provide self-improvement opportunities that assist them in becoming law-abiding citizens.¹⁷ As of July 2006, the BOP reported an inmate population of 191,224, an increase of 70 percent from 10 years ago when the population was at 112,289.¹⁸ The number of high-risk inmates who have been identified as needing heightened security monitoring, such as gang leaders, gang members, international and domestic terrorists, also has increased over the last 10 years by approximately 60 percent. As of July 2006, the BOP had identified 19,720 such inmates. During this same 10-year time period, the number of BOP staff grew at a more modest rate of 14 percent, from 30,212 to 34,655.¹⁹

The BOP has a sizable percentage of foreign-born inmates and inmates of Hispanic ethnicity. As of June 2006, 21.1 percent of inmates were foreign citizens of Spanish-speaking countries, 6.0 percent were listed as foreign citizens of other countries (non-Spanish-speaking) or unknown citizenship, and 31.5 percent of the inmate population was of Hispanic ethnicity (whether U.S. citizens or foreign citizens).²⁰

Based on security and program needs, an inmate is assigned to a particular BOP institution with an appropriate security level. An institution's security level is based on such features as the presence of external patrols, towers, security barriers, or detection devices; the type of housing within the institution; internal security features; and the staff-to-inmate ratio.²¹ As of June 2006, the breakdown of the BOP's inmate population at each security level was: minimum, 18.7 percent; low,

¹⁷ BOP, *State of the Bureau 2005*, p. 5.

¹⁸ BOP, *Weekly Population Report*, July 27, 2006, www.bop.gov/locations/weekly_report.jsp (July 27, 2006), and BOP, *State of the Bureau 1997*, www.bop.gov/news/PDFs/sob97.pdf (May 5, 2006).

¹⁹ *State of the Bureau 1997*, BOP, www.bop.gov/news/PDFs/sob97.pdf (May 5, 2006), and "Quick Facts About the Bureau of Prisons," June 24, 2006, www.bop.gov/about/facts.jsp (July 14, 2006).

²⁰ BOP, "Quick Facts About the Bureau of Prisons," June 24, 2006, www.bop.gov/about/facts.jsp#1 (July 14, 2006).

²¹ BOP, "Prison Facilities, Prison Types, General Information," www.bop.gov/locations/institutions/index.jsp (March 9, 2006).

39.6 percent; medium, 26.3 percent; high, 10.3 percent; and unclassified, 4.9 percent.²²

Inmate Communications

While in BOP custody, inmates are granted certain communication privileges to maintain family and community ties. According to BOP policy,

Contact with the public is a valuable tool in the overall correctional process. Toward this objective, the Bureau provides inmates with several means of achieving such communication. Primary among these is written correspondence, with telephone and visiting privileges serving as two supplemental methods.²³

The BOP has established rules governing use of communication privileges, and various staff members in the BOP institutions are responsible for monitoring these communications to ensure that inmates adhere to the rules and do not use any communication method to carry out criminal behavior or behavior that would be considered a threat to the security of the institution or the public. To monitor inmate communications, institutions develop mail and telephone monitoring lists of high-risk inmates, terrorists, and other inmates who are suspected of criminal or suspicious activity. According to the BOP Assistant Director for the Correctional Programs Division, the BOP's goal is to monitor 100 percent of the mail and telephone communications for the inmates placed on these monitoring lists.

Mail. The BOP encourages correspondence that is directed to socially useful goals. Inmates are therefore permitted to send and receive, with minimal restrictions, correspondence to and from family, friends, or anyone in the community.²⁴ Inmates also can receive a variety of publications such as newspapers, magazines, and periodicals. The BOP's limited restrictions on inmate mail are consistent with American Correctional Association standards, which state:

²² The BOP also has administrative facilities with special missions, such as the detention of pretrial offenders, inmates with serious medical problems, or inmates who are extremely dangerous, violent, or escape-prone. The administrative facilities are designed to securely house all security-level inmates.

²³ BOP, Telephone Regulations for Inmates, Program Statement 5264.07, January 31, 2002.

²⁴ BOP, Correspondence, Program Statement 5265.11, July 9, 1999.

When the inmate bears the mailing cost, there is no limit on the volume of letters the inmate can send or receive or on the length, language, content, or source of mail or publications except when there is reasonable belief that limitation is necessary to protect public safety or institutional order and security.²⁵

Inmate correspondence, however, can be rejected by the BOP based on the *content* of the correspondence. Federal regulation 28 C.F.R. § 540.14d (2002) and BOP policy authorize prison officials to review and reject inmates' incoming and outgoing correspondence "if it is determined detrimental to the security, good order, or discipline of the institution, to the protection of the public, or if it might facilitate criminal activity." See Appendix I for the BOP's policy on rejecting inmate correspondence.

To protect the security of its institutions, the BOP has the authority to inspect and read all inmate mail. Inspection of mail is intended to detect drugs and other contraband while reading inmate mail is intended to reveal, for example, plans to commit criminal acts.²⁶ According to BOP policy, staff are required to open and inspect all incoming mail prior to distributing it to the inmates. Additionally, all incoming general correspondence is subject to random reading by staff.²⁷ Inmates are notified in writing upon arrival at an institution that the BOP has the authority to open all mail addressed to inmates. If the inmate does not agree to this requirement, any mail subsequently received for that inmate is returned to the post office. In addition, a BOP Warden may place an inmate on restricted general correspondence based on a misconduct or security needs.²⁸

All outgoing mail in medium- and high-security and administrative institutions is subject to random reading by staff. Outgoing mail from inmates in minimum- or low-security institutions may be sealed by the inmate and not read by staff unless:

²⁵ ACA Standard 4-4488, *Standards for Adult Correctional Institutions*, 4th edition, 2003. American Correctional Association standards are considered the national benchmark for the effective operation of correctional systems throughout the United States.

²⁶ BOP, Mail Management Manual, Program Statement 5800.10, November 3, 1995.

²⁷ BOP, Mail Management Manual, Program Statement 5800.10. Legal and other specified special mail is opened and processed in the presence of the inmate.

²⁸ Restricted correspondence is general correspondence that is limited to a list of authorized correspondents, such as the inmate's immediate family.

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- The correspondence would interfere with the orderly running of the institution, be threatening to the recipient, or facilitate criminal activity.
 - The inmate is on a restricted correspondence list.
 - The correspondence is between inmates.
 - The envelope has an incomplete return address.²⁹

According to BOP policy, inmates are prohibited from corresponding with inmates in other correctional institutions, unless the proposed correspondent is a member of the inmate's immediate family or is a party or witness in a legal action in which both inmates are involved. In each instance, the inmate's Unit Manager must approve the correspondence, and the approval of the Wardens of both institutions is required if one of the inmates is housed at a non-federal institution.³⁰

Telephone. The BOP extends telephone privileges to inmates as part of its overall correctional management. The BOP considers telephone communications "a supplemental means of maintaining community and family ties that contribute to the inmate's personal development."³¹ Inmates may submit up to 30 telephone numbers on their official Telephone Number Request Form.³² The numbers may be of immediate family members or anyone else they choose, with the understanding that these calls will be monitored. Inmates are issued an individual personal access number and are allowed up to 300 minutes of calls per month to the numbers listed on their forms, with each call generally limited to 15 minutes. Inmates are responsible for the expense of telephone use.

The BOP can impose limitations and conditions on an inmate's telephone privileges to ensure the safety, security, and good order of the

²⁹ BOP, Correspondence, Program Statement 5265.11, July 9, 1999, pp. 9-10.

³⁰ A Unit Manager directs and manages an inmate housing unit and is responsible for the unit's operation and security. The Unit Manager also is responsible for planning, developing, implementing, supervising, and coordinating individual programs for inmates.

³¹ BOP, Telephone Regulations for Inmates, Program Statement 5264.07, January 31, 2002.

³² An Associate Warden may authorize the placement of additional numbers on the list based on the inmate's individual situation, such as the size of the inmate's family.

institution or to protect the public.³³ Unit management staff are responsible for reviewing the inmate's telephone list and verifying that the numbers belong to the individuals listed. The Associate Warden may deny placement of a telephone number on the inmate's list if the Associate Warden determines that there is a threat to institution security or public safety. All inmate calls are recorded and subject to monitoring. The BOP may restrict telephone privileges for any inmate who violates its telephone policy, such as by using the telephone to engage in criminal activity.

Visits. Inmates are permitted visits by family, friends, and community groups. Inmates are required to submit a list of proposed visitors to their unit management staff. Although there are no limitations on the number of family members on the list, an inmate's visiting list is generally limited to no more than 10 friends and associates.³⁴

BOP staff are required to obtain background information on potential visitors who are not immediate family members before placing them on the inmate's approved visitor list in medium- and high-security and administrative institutions. If insufficient background information is available, visiting may be denied. The BOP conducts National Crime Information Center (NCIC) checks as part of the background investigations on proposed visitors.³⁵ Visits may be restricted or suspended for violation of the visiting guidelines or if an inmate's behavior indicates that the inmate would be a threat to the security of the visiting room.

Foreign Language Translation Services

The BOP cannot identify how many of its inmates communicate in a foreign language. However, approximately 27 percent of the total BOP inmate population comprises non-U.S. citizens, and some portion of these inmates' written and verbal communications requires translation for monitoring purposes. The BOP primarily uses three sources for translation services: volunteer staff members, three full-time staff Language Specialists, and outside contractors.

³³ BOP, Telephone Regulations for Inmates, Program Statement 5264.07, January 31, 2002.

³⁴ BOP, Visiting Regulations, Program Statement 5267.07, April 14, 2003.

³⁵ NCIC is a computerized index of criminal justice information (criminal record history information, fugitives, stolen properties, missing persons, foreign fugitives, immigration violators, violent gang and terrorist organizations) maintained by the FBI.

The BOP relies mainly on staff who volunteer to translate foreign language communications as a collateral duty.³⁶ The names of these volunteers are listed in a BOP Directory of Translators, which is distributed to all institutions. The BOP also has three full-time Arabic Language Specialists at ADX Florence, hired in 2005, whose services are available to other BOP institutions as well. To procure translation services from outside contractors for what it deemed “exotic” languages, the BOP created the Language Translation Services Project in 2003.³⁷ Intended to address the increase in the number of international terrorist inmates whose foreign language communications required translations, the project uses contractors approved by the General Services Administration (GSA). In addition, the BOP can use outside sources, such as universities or other law enforcement agencies, for translations.

Special Investigative Supervisor Office Monitoring Responsibilities

Every BOP institution has a Special Investigative Supervisor (SIS) office, which is responsible for advising executive staff on security matters, setting security policy, conducting inmate and staff investigations, and gathering intelligence through monitoring of inmate communications.

In each BOP institution, at least one lieutenant is assigned to carry out the SIS responsibilities. In most institutions the position is either a GS-12 Special Investigative Agent or a GS-11 Lieutenant (SIS Lieutenant) who has successfully completed Advanced Lieutenant’s training, SIS training, and a minimum of 6 months as a shift supervisor at the assigned institution. The Special Investigative Agent position is non-rotational, but SIS Lieutenants ordinarily rotate at 18-month intervals. The Warden has the authority to assign additional staff to the SIS office.³⁸ SIS Technicians, Intelligence Research Specialists, or Inmate Telephone Monitors are assigned to the SIS office according to an individual institution’s staffing level. The duties of each SIS position are described in Appendix II.

To monitor inmate communications, SIS offices develop mail and telephone monitoring lists. The names of high-risk, terrorist, and other

³⁶ The FBI, not the BOP, translates foreign language mail and telephone calls for inmates under Attorney General Special Administrative Measures, which are discussed later in the report.

³⁷ The BOP defines “exotic” languages as Middle Eastern, Pacific Island, and South Asian languages.

³⁸ BOP, Role Authority and Scope of SIS Duties, Program Statement 1380.05, Chapter 1, August 1, 1995, p. 1.

inmates who are suspected of criminal or suspicious activity within the institution are placed on the lists, and according to SIS staff, all their mail and telephone communications are to be monitored. The BOP Central Office, through various memorandums, requires 100-percent mail and telephone monitoring for the inmates on these lists. In addition, the BOP Assistant Director for the Correctional Programs Division stated in our interview with him that the BOP expects 100 percent monitoring of mail and telephone communications for these inmates.

Mail. The SIS office at each institution is responsible for reading all outgoing and incoming mail of inmates on the mail monitoring list, as well as reading mail identified as suspicious through random reading accomplished by mailroom staff and housing unit officers.

Telephone. SIS staff monitor inmate telephone calls through the following three methods:

1. Telephone monitoring list – SIS staff at each institution develop a telephone monitoring list as a tool to monitor inmates under investigation, those suspected of engaging in criminal activity or violations of institutional rules, or based on prior behavior. The SIS office adds other inmates to the list based on information or intelligence it gathers from internal or external sources that indicates a need for monitoring. Many of the inmates who are on the telephone monitoring list also are on the mail monitoring list. The BOP Assistant Director for the Correctional Programs Division, and SIS staff told us that the goal is to monitor 100 percent of the inmates on the telephone monitoring list.
2. Alert list – As a subset of the telephone monitoring list, some SIS offices maintain an Alert list for specific high-risk inmates.³⁹ When these inmates make a telephone call, a symbol appears on the Inmate Trust Fund Digital Recorder (INTRUDR) system to alert staff that this inmate is currently on the telephone.⁴⁰ To the extent possible, Alert calls are to be listened to live; if staff are unable to listen live, they must listen to the recorded call later. The BOP goal is to monitor 100 percent of the calls of inmates on the Alert list.

³⁹ Some institutions, such as MDC Brooklyn and MCC New York, have a single telephone monitoring list, which they refer to as their “Alert” list.

⁴⁰ INTRUDR records all inmate telephone calls, except calls to the inmates’ attorneys. During fiscal year (FY) 2005, INTRUDR recorded more than 39.3 million inmate calls. BOP staff randomly monitored about 5.5 million (14 percent) of these calls.

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3. Random monitoring – Each of the BOP Regional Directors establishes a percentage of inmate phone calls to be randomly monitored by the institutions in their region. Generally, institutions are required to monitor between 10 and 15 percent of all inmate calls per month. INTRUDR tracks the number of calls monitored and the identity of the staff members performing the monitoring.⁴¹ SIS staff oversee random telephone monitoring.

Inmate Systems Management and Housing Unit Officers Mail Monitoring Responsibilities

The Inmate Systems Management (ISM) department in an institution supervises mailroom operations to ensure the timely processing and handling of inmate and official mail. Mail service is provided to inmates Monday through Friday. ISM staff are responsible for ensuring that all incoming and outgoing letter mail is ordinarily processed within 24 hours, and incoming and outgoing packages processed within 48 hours, excluding weekends and holidays. Staff are not required to keep records on the volume of outgoing and incoming mail processed. ISM staff are required to open and inspect all *incoming* mail for contraband (unauthorized material) prior to distribution. They open all incoming packages in an outside storeroom or warehouse (except at minimum-security institutions). Inspection of mail may include the use of x-ray machines, metal detectors, and manual or visual inspection. By BOP policy, all incoming correspondence is subject to random reading by ISM staff. The ISM staff also is responsible for separating the incoming mail of inmates on the mail monitoring list and forwarding that mail to the SIS office for reading and analysis, along with any other mail randomly read that contains suspicious content.

In addition to mailroom operations, the ISM department includes the inmate records management and the receiving and discharge (R&D) functions. The staff who work in the mailroom and R&D are called Inmate Systems Officers (ISO). The ISOs generally rotate between assignments in

⁴¹ The goals developed by the Regional Directors for random telephone monitoring are as follows: Northeast Region, 10 percent; Mid-Atlantic Region, 15 percent; Southeast Region, 15 percent; North Central Region, 10 percent; South Central Region, 15 percent; Western Region, 15 percent. In addition to SIS staff, at some institutions Counselors, Unit Managers, Associate Wardens, and other staff have access to INTRUDR from their desktop computers. At one type of institution, U.S. Penitentiaries, primarily tower officers listen to inmate telephone calls. There are no set procedures for randomly selecting inmate telephone calls to monitor.

the mailroom or R&D functions for fixed periods of time.⁴² On heavy mail volume days, such as Mondays or around holidays, or when the mailroom is short-staffed, the mailroom enlists staff from the other ISM functions to help process the mail and ensure timely delivery.

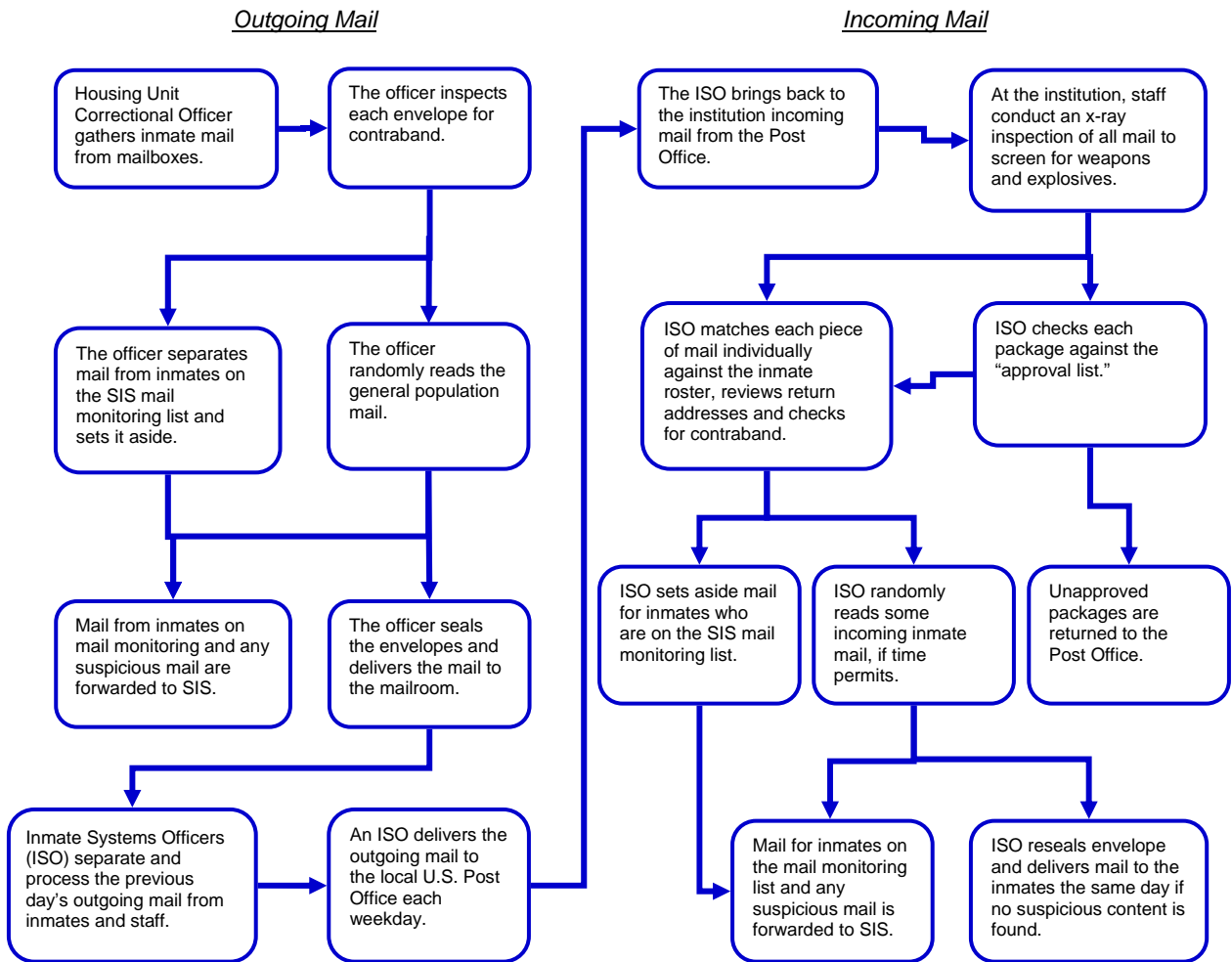
Housing Unit Officers on the 12 a.m. to 8 a.m. “morning watch” shift inspect and randomly read *outgoing* inmate mail.⁴³ They set aside and deliver letters from inmates on the mail monitoring list to the SIS staff for reading and analysis. If they find suspicious content while randomly reading other inmates’ letters, they deliver these letters to the SIS office as well.

Figure 1 outlines the mail processing procedures for outgoing and incoming inmate mail.

⁴² R&D duties include processing inmate admissions and releases, including identification (photography and fingerprints), data entry, and inmate property.

⁴³ The BOP has not established procedures for conducting “random reading.”

Figure 1: BOP Institution Inmate Mail Processing Procedures



Monitoring Through Special Administrative Measures

Special Administrative Measures (SAMs), approved by the Attorney General, may be applied to inmates whose communications require more restrictive conditions. SAMs, developed in May 1996 and overseen by the Department's Office of Enforcement Operations (OEO) within the Criminal Division, serve two purposes:

- Under 28 C.F.R. § 501.2 (1997), to prevent the unauthorized disclosure of national security information (classified information); and
- Under 28 C.F.R. § 501.3 (1997), to prevent acts of violence and terrorism.⁴⁴

The Attorney General may authorize the BOP Director to implement SAMs upon written notification to the BOP,

That there is a substantial risk that a prisoner's communications or contacts with persons could result in death or serious bodily injury to persons, or substantial damage to property that would entail the risk of death or serious bodily injury to persons.⁴⁵

The C.F.R. further states:

These SAMs ordinarily may include housing the inmate in administrative detention and/or limiting certain privileges, including but not limited to, correspondence, visiting, interviews with representatives of the news media, and use of the telephone, as is reasonably necessary to protect persons against the risk of acts of violence or terrorism.⁴⁶

⁴⁴ The OEO oversees the use of investigative tools, such as SAMs, all federal electronic surveillance requests, and requests to apply for court orders permitting the use of video surveillance. The OEO also reviews requests by federal agencies to use federal prisoners for investigative purposes and reviews the transfer of prisoners to and from foreign countries to serve the remainder of their prison sentences.

⁴⁵ 28 C.F.R. § 501.3 (1997). _

⁴⁶ 28 C.F.R. § 501.3 (1997).

Inmates who are under SAMs are restricted to communications and visits with only immediate family members, and all such social communications are monitored by the FBI. The BOP forwards all mail to and from the SAMs inmates to the FBI for analysis and approval. The FBI is required to return the approved mail to the BOP for delivery to the inmate or addressee within 14 days. A period of 60 days is permitted if foreign language translation is required or if there is reasonable suspicion that a code was used and decoding is required. Telephone calls must be monitored contemporaneously by the FBI and recorded. All calls must be in English unless a fluent FBI translator is available to contemporaneously monitor the call. The FBI listens later to the recordings to analyze whether the communication includes messages that solicit or encourage acts of violence or other crimes or attempts to circumvent the SAMs.

Relationship of the FBI to the BOP

Under 28 U.S.C. § 533, the FBI shares responsibility for investigating crimes on federal property, including federal prison facilities. (The OIG also has authority and responsibility to investigate allegations regarding BOP employees and contractors.)

Each BOP institution has an FBI Special Agent assigned to investigate crimes that occur within the prison. Depending on the size of the FBI field or resident agency office, the prison, and the workload, the FBI may assign one agent to cover criminal issues and a second agent to handle terrorism issues. Criminal cases are investigated by local FBI Special Agents with oversight by the Criminal Investigative Division at FBI headquarters. BOP terrorism cases are investigated by the local Joint Terrorism Task Force, with oversight by the Counterterrorism Division at FBI headquarters.

Because of the numbers of pretrial inmates at BOP Metropolitan Correction Centers and Metropolitan Detention Centers, numerous FBI agents interact with the BOP as case agents at these facilities. These case agents are responsible for communicating and coordinating with the BOP concerning these pretrial inmates.

Except for visits with their lawyers, SAMs inmates are limited to visits with one adult immediate family member. The visits are non-contact only and monitored contemporaneously by the FBI. All communications during the visit must be in English unless a fluent FBI-approved translator is available. SAMs also can be invoked to allow for monitoring of conversations of inmates and their attorneys and to screen inmates' correspondence with their lawyers.⁴⁷

SAMs may be recommended on a case-by-case basis by the FBI and prosecuting U.S. Attorney's Office (USAO) independently or jointly through the OEO and are initiated during either the pretrial or post-trial period. The OEO reviews the initial SAMs requests,

and after obtaining the necessary supporting documentation, prepares a memorandum to the Attorney General presenting the request and the

⁴⁷ 28 C.F.R. § 501.3 (1997).

measures to be implemented. The Attorney General approves all original impositions of SAMs, and the Assistant Attorney General for the Criminal Division can approve SAMs extensions or modifications to existing SAMs. After the OEO drafts and submits an application for SAMs, it has no role in implementation or oversight, except during the renewal process. SAMs can be ordered for a year at a time and renewed at 1-year intervals indefinitely. The requesting agency must renew a SAMs application through the OEO, which reviews the request to determine the continued need for the special monitoring measures. Since March 2005, the BOP has worked with the FBI and OEO to standardize the conditions set forth in each SAMs to ensure consistency in application and monitoring of the SAMs inmates by the BOP and FBI. As of May 2006, there were 34 BOP inmates under SAMs.

The FBI's specific responsibilities related to monitoring pretrial and post-conviction inmates with SAMs are summarized in Appendix III. The FBI also is responsible for conferring with the USAO when SAMs are initially proposed. The USAO's primary role in monitoring communications is to work with the FBI to identify inmates who are appropriate for SAMs. On occasion, a USAO is involved in the actual monitoring of inmate communications. In those instances, the USAO receives copies of communications from the FBI, and both components review the communications and any translations.

Although the USAO ordinarily drafts SAMs requests to the OEO, on one occasion the Counterterrorism Section (CTS) in the Criminal Division has originated such requests.⁴⁸ In March 2005, when the three World Trade Center bombers incarcerated at ADX Florence were discovered to be corresponding with other Islamic extremists in prisons abroad, the CTS drafted SAMs for these three inmates after requesting and receiving documentary justification from the FBI's Counterterrorism Division. Although there is no requirement for the USAO, FBI, or OEO to coordinate SAMs requests for terrorism inmates with the CTS, they are encouraged by the CTS to do so.⁴⁹

⁴⁸ The CTS oversees "the design, implementation, and support of law enforcement efforts, legislative initiatives, policies and strategies relating to combating international and domestic terrorism." In addition to investigating and prosecuting terrorism cases, CTS attorneys act as terrorism advisors or consultants to the USAOs and provide training on terrorism-related topics to Department personnel, law enforcement and intelligence agency personnel, the private sector, and the general public.

⁴⁹ Criminal Division, Guidance on Special Administrative Measures, March 2006.

The BOP Cost Savings Plan

In 2004, the BOP initiated a cost savings plan in response to budget cuts that has reduced institutions' SIS and ISM staffing, including staff responsible for mail and telephone monitoring. During one phase of the plan, the BOP is centralizing key ISM functions – sentence computation and security classification – to a single facility in Grand Prairie, Texas, thereby eliminating 124 positions. In the nine institutions we visited with mailrooms, this centralization of ISM functions had decreased the number of ISM staff available to help sort, screen, and randomly monitor inmate mail when needed.⁵⁰

During another phase of the cost savings plan, the BOP implemented the Mission-Critical Roster on March 27, 2005. The Mission-Critical Roster developed a standardized staffing roster of Correctional Officer posts based on the size and mission of an institution. BOP staff from the SIS office and other departments can be required to cover critical Correctional Officer posts when vacant. The BOP developed the Mission Critical Roster with three key objectives: (1) establish posts that would be vacated only under rare circumstances, (2) reduce the reliance on other departments to cover Correctional Services posts, and (3) reduce overtime costs.⁵¹ In 7 of the 10 institutions visited, the Mission-Critical Roster had resulted in a reduction of SIS positions that were used to monitor inmate mail and telephone calls. These SIS positions were reallocated to other security posts elsewhere in the institutions.

⁵⁰ The 10th institution we visited, the Beaumont Correctional Complex, which comprises three separate institutions, has a centralized mailroom.

⁵¹ Harley G. Lappin, Director's Message to All Staff, BOP, January 5, 2005.

SCOPE AND METHODOLOGY OF OIG REVIEW

This review focused on the BOP’s process for reading the mail of terrorist and other high-risk inmates, such as gang leaders, in medium- and high-security and administrative maximum institutions. The review also focused on the BOP’s foreign language translation services, which may be required for monitoring inmate mail, telephone calls, and visits.

Our fieldwork, conducted from June to December 2005, included in-person and telephone interviews, document reviews, site visits to BOP institutions, data analysis, and direct observation of mail and telephone monitoring.

Interviews

We interviewed 179 officials and staff from the BOP, the FBI, the Criminal Division, and a USAO. Table 1 lists the sites visited or contacted and the officials we interviewed.

Table 1: Officials Interviewed

Department Component	Site	Official(s) Interviewed
BOP	Central Office	Director
		Assistant Director, Correctional Programs Division
		Deputy Assistant Director, Correctional Programs Division
		Chief, Intelligence Section
		Administrator, Correctional Services Branch
		Administrator, Inmate Systems Management
		Intelligence Officer, Intelligence Section
		Legal Staff Member, Office of General Counsel
		National Joint Terrorism Task Force Representative (2)
BOP	Regional Office(s)	Regional Director (2)
	Institutions: LSCI, FCI, USP Allenwood FCI, USP Beaumont MDC Brooklyn ADX, USP Florence MCC New York FCI Sheridan FDC Houston	Warden (10)
		Associate Warden (17)
		Captain (13)
		Special Investigative Agent (10)
		SIS Lieutenant (8)
		SIS Technician (6)
		Intelligence Operations Officer (1)
		Phone Monitor (2)
		Inmate Systems Manager (7)
		Mailroom Staff (6)

Department Component	Site	Official(s) Interviewed
	FDC Miami	Unit Manager (14)
	FDC Oakdale	Case Manager (1)
	FDC Philadelphia	Translator (13)
	FDC SeaTac	Union President (8)
	MCC San Diego	Visiting Room Officer (20)
		Housing Unit Officer (8)
		Tower Officer (2)
		Finance Manager (5)
FBI	Headquarters	Assistant Director, Counterterrorism Division
	Beaumont, TX	Supervisory Resident Agent
	Allenwood, PA	Special Agent (9)
	Beaumont, TX	
	Brooklyn, NY	
Florence, CO		
New York, NY		
Sheridan, OR		
Department of Justice	Criminal Division	Attorney, Office of Enforcement Operations (2)
		Attorney, Counterterrorism Section
USAO	Southern District of New York	Chief, Organized Crime and Counterterrorism
		Assistant U.S. Attorney

Data Analysis and Document Reviews

We reviewed data from a week's mail volume from the BOP institutions we visited. We asked the 10 institutions to record the number of incoming and outgoing letters during the week of November 21-25, 2005. We also analyzed data on the monitoring of inmate telephone calls from the BOP's INTRUDR system.

We reviewed BOP Program Statements, budget documents, Post Orders, manuals, reports, memorandums, monthly intelligence reports, and SIS record keeping logs. We also reviewed the Department of Justice Strategic Plan for 2003-2008 and Department memorandums and guidance concerning SAMs. Additionally, we reviewed congressional testimony, news articles, and other reports that were related to the monitoring of inmate communications.

Site Visits

We completed 10 site visits to the following BOP institutions:

- Allenwood, Pennsylvania – the Low Security Correctional Institution (LSCI), Federal Correctional Institution (FCI), and U.S. Penitentiary (USP);

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- Beaumont, Texas – the FCI and USP;
 - Brooklyn, New York – the Metropolitan Detention Center (MDC);
 - Florence, Colorado – the ADX and USP;
 - New York, New York – the Metropolitan Correctional Center (MCC);
and
 - Sheridan, Oregon – the FCI.

We selected the institutions based on a variety of factors, choosing institutions in different regions of the country and institutions of various security levels.

Observations

At the 10 institutions we visited, we observed the monitoring of inmate mail and telephone calls, as well as monitoring procedures in the visiting rooms and housing units.

RESULTS OF THE REVIEW

The BOP's process for monitoring inmate mail is deficient in several respects: The BOP does not read all the mail for terrorist and other high-risk inmates on its mail monitoring lists, does not have enough proficient translators to translate inmate mail written in foreign languages, and does not have sufficient staff trained in intelligence techniques to evaluate whether inmate communications contain suspicious content.

The BOP does not read a sufficient amount of inmate mail.

We found that the BOP is unable to effectively monitor the mail of terrorist and other high-risk inmates in order to detect and prevent terrorism and criminal activities. Institutions did not read all the mail of inmates on mail monitoring lists as required, citing staffing shortages. Further, BOP staff said random reading of inmate mail is a lower priority than timely delivery of mail, and the amount of mail randomly monitored is not tracked. In addition, foreign language mail is less likely to get read because the BOP does not require translations of inmate mail for those on the mail monitoring lists or for randomly read mail and institutions do not always have ready access to proficient translators.

The BOP does not read all the mail of high-risk inmates on SIS mail monitoring lists.

Although the BOP Assistant Director for the Correctional Programs Division, told us that the BOP expects that 100 percent of the mail for terrorist and other high-risk inmates on the SIS mail monitoring lists will be read by the SIS office in each institution, our site visits showed that an unknown amount of mail was not being read. We sought information about the volume of incoming and outgoing mail for all inmates on the mail monitoring lists and the amount or percentage of mail that was read by BOP staff. However, the BOP does not require institutions to collect complete data on their mail monitoring and translation activities. In the absence of data, we relied on the statements of SIS staff responsible for mail monitoring at the institutions to characterize the level of reading that they perform. At each of the 10 institutions we visited, SIS staff stated the 100-percent target, which includes translating and reading foreign language mail

was not being consistently met. Therefore, letters from high-risk inmates sometimes went unmonitored.⁵²

Moreover, at 7 of the 10 institutions we visited, the SIS staff told us that reading mail for inmates on mail monitoring lists had decreased since FY 2005 because some positions assigned to the SIS offices had been reallocated as part of the BOP-wide streamlining initiatives. SIS staff at these institutions could not quantify how much reading had decreased, but said that two additional factors contributed to it. Remaining SIS staff at some institutions who were responsible for mail and telephone monitoring had been regularly detailed to cover vacant security posts elsewhere in the institutions, while other SIS staff had been reassigned because of the BOP's quarterly rotation policy for certain positions. The effects of the reallocation, rotation, or detail of SIS staff are discussed below.

Reallocation. Because of the BOP's cost savings plan (see Background Section) institutions have lost positions directly responsible for monitoring inmate mail and telephone calls. For example, SIS staff at one USP stated that they had approximately 175 names on the mail monitoring list and 1,162 other high-risk inmates who also must be monitored for criminal activities and misconduct. Previously, the SIS office had four full-time staff members responsible for monitoring these inmates' communications. However, in 2006, the four positions were reallocated to other functions outside of the SIS office, and all the monitoring work had been divided among the remaining three SIS staff. These staff members stated that keeping up with monitoring mail and other high-risk inmates, in addition to their regular SIS investigative duties, was overwhelming and that the heavy workload left them less time to gather and analyze intelligence on inmate activities through the mail.

At 5 of the 10 institutions we visited, an SIS telephone monitor position that was also used to assist other SIS staff in monitoring mail had been reallocated elsewhere on the Correctional Officer roster. Overall, SIS staff in eight of the institutions identified reduced staffing as the greatest obstacle to effective inmate monitoring.⁵³ Further, one Warden stated that he does not believe his institution has adequate resources to comply with BOP "mail and telephone monitoring goals." At this institution, one of two telephone monitor positions as well as one intelligence officer position were reallocated from the SIS office. The Warden stated, "We still read the mail, but I can't say it's as thorough."

⁵² International terrorist inmates who are not under SAMs are always on the mail monitoring lists.

⁵³ The other two institutions did not have staff reallocated from their SIS office.

Rotation. The telephone monitor positions are 3-month rotational assignments, which affect the level of monitoring performed. Unlike rotational staff, permanent SIS staff are familiar with all of the inmates on the mail monitoring list and are more likely to recognize suspicious content and gather intelligence on terrorist and other criminal activities. Additionally, time spent training new monitors, coupled with the new monitors' learning curve, reduces the amount of mail read by the SIS staff overall and the amount of intelligence that can be gathered.

Two FBI Special Agents assigned to BOP institutions voiced concern about the reduced level of monitoring and staffing for SIS offices. One agent stated:

[T]he FBI is missing a whole lot of stuff, also inmate informant recruitment will be affected. I'm so dependent on them . . . it's nightmarish to rotate SIS every quarter [after] I have them trained. I count on them to have institutional memory.

The other agent stated, "There has to be full-time intelligence staff. You need continuity and experience."

Details to Vacant Posts. Temporary assignments frequently reduce inmate monitoring by SIS offices. For example, the Special Investigative Agent for ADX Florence reported that on three consecutive days during the week prior to our July 2005 visit to ADX Florence, two or three of the SIS's seven SIS technicians were pulled from their SIS duties to fill vacant officer positions on the housing units. Further, the SIS Technician responsible for monitoring all communications of all terrorist inmates at ADX Florence stated that in the week prior to our October 2005 interview with her, she was pulled from her SIS duties for 4 of her 5 work days to fill a vacant post elsewhere in the institution. The ADX's Special Investigative Agent stated that the temporary assignments happened frequently and reduced the level of monitoring and intelligence gathering that the SIS office could accomplish. As a result, SIS staff members at the ADX Florence told us that they cannot achieve 100-percent monitoring as required and that when they are able to monitor communications, they "speed up reading the mail or monitoring the telephones and maybe miss something by rushing through it."

At ADX Florence, decreased reading of mail and intelligence gathering can have significant security consequences. The institution houses approximately 400 of the BOP's most dangerous and violent inmates. SIS staff told us that one-half of the population comprises high-risk inmates and many of the inmates had either attempted to kill, or have killed,

another inmate or a correctional officer. Additionally, the ADX houses the most terrorists – including the 1993 World Trade Center bombers – Ted Kaczynski (the Unabomber), convicted spy Robert Hanssen, and leaders of violent street gangs. Fifteen of these ADX Florence inmates are under SAMs, the largest number of SAMs inmates at any BOP facility. Approximately 70 percent of the ADX Florence inmate population is on the mail monitoring list as well. Therefore, the need to provide intensive monitoring of inmate mail is critical to ensure the safety and security of the institution and public.

The assignment of SIS staff to other posts at ADX Florence is not an anomaly. At MCC New York, we were told that two of the three SIS staff had been detailed from their monitoring duties to work other institution posts three to four times per week for the past year. MCC New York houses many high-profile, unsentenced terrorists, organized crime figures, and gang leaders. Because the MCC is a pretrial facility, the BOP receives little background information on the inmates it admits other than the crime with which they are charged. Mail monitoring of these inmates is important to determine if an inmate is continuing criminal or terrorist activity and to plan for the appropriate level of security.

The BOP does not adequately manage the amount of inmate mail that is randomly read.

We found that the BOP has not met its goal of reading 100 percent of mail of inmates on mail monitoring lists, but it also does not know the amount of mail randomly read for other inmates. The BOP does not require institutions to track the volume of mail sent and received by all inmates, set targets for random reading, or measure the level of random reading achieved. Random reading of inmate mail is important to gather intelligence on potential criminal activity as well as to monitor unusual inmate behavior. Additionally, inmates on the mail monitoring list may use unmonitored inmates to send and receive mail. At seven institutions we visited, ISM staff members who manage the mailroom told us that while random reading is not measured, they believed random reading of incoming inmate mail and the amount of suspicious content they can identify and refer to the SIS office have decreased since early 2005. They attributed the decrease to one or more of the following factors: the high volume of mail, short processing deadlines, and staff reductions in the ISM departments.

With few exceptions, the bulk of BOP inmates can correspond with anyone, and the amount of incoming and outgoing letters is unrestricted. We found that incoming inmate mail is less likely to have adequate monitoring through random reading than outgoing mail. The large volume of daily incoming mail causes the BOP to focus primarily on inspection for contraband and timely delivery of mail rather than on random reading for potential criminal activity. An ISM staff member we interviewed at a correctional complex stated that the challenge for staff is timeliness, saying that with the high volume of mail and reductions in staff, getting mail processed in a timely manner was the overriding concern.

BOP policy states that “[d]elivery of letters may not be delayed and shall ordinarily be accomplished within 24 hours of receipt, excluding weekends and holidays.”⁵⁴ One correctional complex’s local mail supplement stated, “It is imperative the scanning or spot-checking of both incoming and outgoing general correspondence not interfere with the prompt handling of all mail.” Consequently, because BOP staff are working to meet a strict mail delivery deadline, the amount of mail randomly read by ISM staff varies greatly by institution and overall may be less than what is advisable for security purposes.

One obstacle in managing the random reading of inmate mail is the volume of mail institutions receive. The BOP Director compared monitoring inmate communications to searching for “a needle in a haystack.” He stated that because of the large volume of mail and telephone calls generated by inmates, the challenge is in “overseeing and managing the massive amount of information.” The BOP Assistant Director for the Correctional Programs Division stated that the BOP’s biggest challenge in monitoring inmate mail is the “volume of mail and the current regulations [that] allow virtually

Outgoing Inmate Mail More Likely to Be Randomly Read

While outgoing inmate mail also must be processed within 24 hours, it has a much higher likelihood of being randomly read than incoming inmate mail. Outgoing mail is sorted, inspected for contraband, and randomly read by the “morning watch” Correctional Officer (12 a.m. – 8 a.m.) assigned to each housing unit. The morning watch officers are responsible for sorting and inspecting each piece of mail, as well as randomly reading some.

We interviewed morning watch Housing Unit Officers at all 10 institutions we visited. Because the morning watch is the shift with the least amount of inmate movement and activities, each Housing Unit Officer has more time to review the letters for both contraband and content. Four Housing Unit Officers in different institutions reported reading 20 to 50 letters per night.

⁵⁴ BOP, Mail Management Manual, Program Statement 5800.10, Chapter 3, August 19, 1998, p. 4.

unlimited correspondence.” Similarly, one Warden stated, “Our problem lies in the area where inmates can communicate with anyone in the country.” Another Warden recommended that the BOP “limit the number of letters [inmates send and receive] each week.”

Since the BOP does not track the volume of incoming mail and amount randomly read, we requested that the institutions we visited track their incoming mail and the number of pieces of mail they randomly read during a 1-week period. Although all incoming general correspondence and outgoing mail is subject to reading by staff, the BOP has no established target percentage of mail to be read.⁵⁵

We found that the lack of BOP-wide guidance for random reading had resulted in wide variances in the amount of reading accomplished by institutions with similar workloads and staffing. For example, the percentage of incoming mail randomly read during the test week at the 10 institutions ranged from 0.3 percent (about 24 mail items) to 75 percent (about 3,000 mail items).⁵⁶ Four of the institutions read less than 5 percent of the incoming inmate mail. Table 2 shows the volume of mail the institutions reported receiving and the amount of mail randomly read.

⁵⁵ BOP, Mail Management Manual, Program Statement 5800.10, Chapter 3, p. 3.

⁵⁶ The results of our request that institutions track their random reading for a week may not be representative in all instances of the reading that usually occurs because the institutions knew their 1-week efforts were being recorded. Moreover, the data provided to us show that although some institutions report higher levels of random reading, they have limited time to read. For example, USP Allenwood reported that its two staff members read 75 percent of 4,218 pieces of mail during the 4-day (32-hour) work week. This equates to over 1,500 letters per staff member. Even with no other duties, this only would allow approximately 30 seconds to read each letter to identify possible criminal or terrorist activity.

**Table 2: Incoming Mail Processed and Randomly Read
by Mailroom Staff during November 21 – 25, 2005,
as Reported by Institutions**

Institution	Number of Inmates	Number of Mailroom Staff	Pieces of Incoming Mail Processed						Percentage of Mail Read Randomly by Mailroom Staff
			Monday	Tuesday	Wednesday	Thursday	Friday	Weekly Total	
LSCI Allenwood	1,385	2	2,070	1,249	1,024	Holiday	1,284	5,627	average of 1.8%
FCI Allenwood	1,417	2	3,545	2,629	2,694	Holiday	3,538	12,406	33.0%
USP Allenwood	1,156	2	1,802	938	780	Holiday	698	4,218	75.0%
FCC Beaumont	3,905	5	4,422	2,236	2,186	Holiday	1,832	10,676	10.0%
ADX Florence	394	2	578	639	411	378	458	2,464	average of 1.8%
USP Florence	1,079	4	1,678	926	678	Holiday	501	3,783	average of 12.9%
MCC New York	900	2	2,035	1,740	1,070	Holiday	1,275	6,120	50.0%
MDC Brooklyn	approx. 3,000	4	2,320	1,425	1,425	1,425	1,425	8,020	average of 0.3%
FCI Sheridan	1,128	2	1,808	1,007	1,119	Holiday	1,988	5,922	average of 4.8%

Source: BOP institutions

Notes: All mail volume counts include first-class mail, legal mail, newspapers, magazines, and staff mail. Because the three institutions at FCC Beaumont share a central mail processing center, the numbers include counts from the low- and medium-security and USP facilities. At the time of this mail volume report, the inmate population at the Beaumont complex was reduced by 1,668 inmates due to a temporary evacuation during Hurricane Rita. The normal population at that time would have been 5,570 inmates and the amount of mail processed considerably higher. ADX Florence tracked mail volume the week of November 28 through December 2, 2005. MDC Brooklyn provided its mail volume data for the period September 19 through September 23, 2005, during our site visit.

During our site visits, mailroom staff stressed that random reading is not a priority when compared with screening mail for contraband and timely delivery of mail. The staff also provided us with general estimates of the volume of incoming mail and how much random reading they believed they achieved. For example, at MDC Brooklyn where the mailroom staff told us they processed 1,400 pieces of mail per day, a mailroom supervisor stated

that on a slow day staff were instructed to read 5 pieces of first-class mail each. At LSCI Allenwood, the 2 mailroom staff members stated that they might read 25 of the approximately 1,400 to 1,500 daily incoming letters. The ISO also stated that on Mondays, when mail volume was the heaviest, they only skimmed through the mail.⁵⁷ At the FCI Allenwood, the ISO stated that while he had a pile of 40 to 50 letters on his desk daily to read, he might read only 8 or 9. At other times, he said he just scanned or read a paragraph in each letter. At FCI Sheridan, the 2 mailroom staff members stated that they could process 1,400 incoming letters or publications daily and might read approximately 65 letters. The 5 staff members at the Beaumont Correctional Complex processed mail in a shared services mailroom for approximately 5,600 inmates housed in three institutions. The mailroom staff stated that because of the high volume, they primarily inspected mail for contraband. They stated that they *might* read 10 percent of the mail, but they did not have a specific target for random reading because there were no national guidelines.

The elimination of certain ISM positions at BOP institutions and the attrition of some ISM staff have resulted in understaffed mailrooms and decreased random reading of incoming mail. Mailroom staff we interviewed generally said they had time only to inspect the mail for contraband rather than read the mail for suspicious or criminal activity. On high-volume days, mailroom staff at the institutions we visited stated that previously they had “borrowed” staff from other ISM functions such as inmate records and receiving and discharge (R&D). However, with the consolidation of key ISM functions, many of these staff positions had been eliminated, transferred to other departments or institutions, or transferred to a centralized facility in Grand Prairie, Texas, leaving fewer staff members available to assist in the mailroom. For example, Allenwood’s three institutions lost two ISMs and two Assistant ISMs, resulting in reduced random reading of mail. Beaumont’s ISM department lost four positions, which, according to the ISM manager, has affected the unit’s ability to effectively conduct mailroom operations. The manager told us, “The workload has been increasing, but the staff is decreasing.” Of the nine mailrooms we visited, six were processing the mail with two staff members, two USPs had four staff members, and a correctional complex processing mail for three institutions had five staff members.

⁵⁷ According to mailroom staff, mail volume on Mondays may be double that received on a typical Tuesday thought Friday.

The BOP does not track the amount of incoming or outgoing foreign language mail or maintain data on the foreign languages that inmates use.

BOP institutions do not track the amount of foreign language mail for most inmates, but mailroom and SIS staff we interviewed said the amount is significant. BOP staff are required to translate and read all foreign language mail for inmates on mail monitoring lists, as well as translate and read foreign language mail randomly selected for reading.⁵⁸ However, staff who monitor the mail at two institutions we visited told us that if they were reading outgoing mail and selected a letter in a foreign language, they would let the letter go out without having it translated because there was no requirement for translation. At six other institutions, staff said they forwarded randomly selected foreign language mail to the SIS office for it to translate and read. Yet, staff in the SIS offices said they were already having difficulty reading mail for inmates on mail monitoring lists, and random reading of other mail was unlikely.

The BOP also does not maintain information on the types of foreign languages that inmates use to communicate in writing or verbally. The BOP also does not track the languages translated or the number of hours spent translating. Therefore, the BOP has no baseline to plan the translation resources it needs for its monitoring responsibilities.

Developments and Future Plans

In a May 2006 interview, the BOP Director and the Assistant Director for the Correctional Programs Division both emphasized to us that mail monitoring was a priority for the BOP and that institutions should be reading 100 percent of the mail for inmates whose names are on the mail monitoring lists. They stated that they would review the standards for which inmates are placed on the mail monitoring lists to ensure that those listed are appropriate and that the resulting amount of inmate mail monitoring could be achieved. The Director and Assistant Director also said they planned to clarify their expectations for random reading of mail for inmates not on monitoring lists.

The BOP Director also told us that a shift was occurring in the BOP's approach to communications for terrorist inmates not on SAMs. He stated that in the past, the BOP encouraged inmates – even inmates convicted of terrorism-related offenses – to communicate and maintain links with

⁵⁸ The FBI is responsible for translating communications of all inmates under SAMs, including international terrorists, and the BOP is responsible for translating communications of non-SAM international terrorist inmates. As of May 2006, the BOP classified 146 inmates as international terrorists, and held 25 of them under SAMs.

families and friends with few limitations. However, the Director said that as a security measure the BOP was developing a policy that would reduce the communication privileges of international terrorist inmates not under SAMs. The new policy would limit the communications of inmates detained or charged with any terrorist-related activity upon request from the FBI or other law enforcement agency, or if BOP information indicated a strong need to impose such restrictions. Rather than allowing unlimited communications, under this proposal the BOP could limit the inmates to communicating only with immediate family members, U.S. Courts, the inmate's attorney, members of Congress, law enforcement agencies, and other specified entities. In addition, communications with family members could be limited in frequency and volume as follows:

- Correspondence could be limited to three pieces of paper, double-sided, once per week to a single recipient.
- Telephone communications could be limited to a single completed telephone call up to 15 minutes in length per calendar month.
- Visiting could be limited to 1 hour each calendar month.

By limiting the frequency and volume of specific communications for terrorist inmates not on SAMs, the proposed policy would reduce the amount of communications requiring monitoring and allow the BOP to better scrutinize the communications it monitors. As of July 2006, the BOP was coordinating the final policy with the Department.

The BOP also was developing a policy to limit or eliminate unsolicited (junk) mail. This policy would reduce the overall volume of mail for all inmates so that ISM staff could better focus their efforts on inspecting for contraband and randomly reading mail for evidence of terrorist or criminal activities. The BOP anticipated sending the proposed policy to the Department for review in August 2006.

Recommendations

1. The BOP should ensure that all mail of inmates on its mail monitoring lists is read, including translating and reading foreign language mail, and that the institutions' monitoring of this mail is tracked.
2. The BOP should set minimum target percentages of incoming and outgoing mail for random reading, including translating and reading foreign language mail, and track the institutions' efforts to comply with these goals.

The BOP's capability to translate foreign language mail does not sufficiently support monitoring needs.

For translation of many inmate communications, the BOP primarily relies on staff who volunteer to translate as a collateral duty. The names of these volunteers are placed on a BOP Directory of Translators, which is distributed to all institutions. Because the BOP does not have enough volunteer staff for Arabic translations, particularly for its terrorist inmates, in 2005 the BOP hired three full-time Arabic Language Specialists at ADX Florence. These Language Specialists are the BOP's first full-time staff translators. The Language Specialists translate mainly for ADX Florence, but other BOP institutions can request their assistance in translating Arabic. Additionally, in 2003 the BOP created the Language Translation Services Project to procure contractors to translate foreign language communications of international terrorist inmates. The BOP also can use outside sources such as universities or other law enforcement agencies for translations.

Despite these resources, we found deficiencies in the BOP's ability to translate inmate mail:

- For volunteer staff translators:
 - The BOP did not have agency-wide standard procedures for conducting in-house translations.
 - The BOP staff used to translate inmate communications were not subject to language proficiency requirements, and the BOP had no policy requiring translations be checked for accuracy.
 - The BOP did not have enough staff to translate inmate communications, especially inmate communications in Spanish.
 - The BOP did not offer effective incentives to motivate staff with needed language skills to translate voluntarily. In addition, some supervisors did not support translating as a collateral duty for their staff.
- For full-time staff Language Specialists, the BOP did not offer sufficient intelligence training.

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- For contract translation services, the BOP's Language Translation Services Project was a valuable but limited resource for institutions that house international terrorist inmates.

The sections below discuss these deficiencies more fully.

Volunteer Staff Translators

The BOP does not have agency-wide standard procedures for conducting in-house translations.

The BOP has no written standard procedures or requirements for staff translating inmate mail or telephone calls. We found a wide range of translation practices at the 10 institutions we visited. Translations performed by staff were generally not word for word, but instead resulted in a brief summary of the contents or a handwritten note on a letter from the translator saying "OK" without any summary. According to the volunteer staff translators we interviewed, the SIS staff did not always provide adequate direction when requesting a translation. However, the SIS staff members said they did not receive adequate direction from BOP headquarters on translating foreign language inmate communications. While some translators we interviewed believed that effective monitoring of inmate communications required only simple "common sense," others stated that they could provide better translations if they received better guidance.

National guidance is not clear and complete. The only guidance that the BOP has issued for translation services was a March 15, 2005, memorandum from the Assistant Director for the Correctional Programs Division.⁵⁹ Staff at most institutions we visited stated that this memorandum was not specific enough and did not provide adequate guidance. For example, this memorandum did not provide detailed guidance on the amount of mail to be translated; whether staff translators should be asked first to translate terrorist inmates' communications prior to seeking translation services with outside contractors; what type of translation product is acceptable; or the time frame for completing a translation. The memorandum stated in part:

Due to the continued increase in the number of incarcerated inmates speaking various exotic Middle-Eastern, Pacific Island, and South Asian languages, and the agency's need to maintain security of its institutions through mail and telephone

⁵⁹ John H. Vanyur, Language Translation Services, BOP CT Translation Special Project Funding, Correctional Programs Division, BOP, March 15, 2005.

monitoring, it is necessary to procure translation services Translation services **for inmates affiliated with international terrorist organizations or for any other inmate with special circumstances** will be used for non-legal inmate mail and telephone calls Please note that every effort must be made to [ensure] BOP staff are utilized to translate common foreign languages, i.e., Spanish, Italian, etc. to promote cost containment.⁶⁰

However, staff told us that they were not certain if they are *required* to obtain translations for all international terrorist inmates and that if they do seek exotic language translations whether they should do so first through volunteer staff translators rather than through General Services Administration (GSA) contracts. The staff said the memorandum was confusing because it stated that staff translators should be utilized to translate “common” foreign languages, which excludes Arabic. BOP staff also were unsure whether translations were required to be word for word or whether a summary or just an “OK” was adequate.

The March 2005 memorandum also failed to establish time frames for completion of requested translations. An SIS Lieutenant told us:

We don't get adequate guidance from BOP on translations. We fend for ourselves trying to get stuff translated. I don't think there's any direction as to what to do with the things that have to be translated. Unless BOP has a translation department where SIS can funnel their referrals, using BOP staff that are currently working [full time] is not working [T]hey [staff translators] had their own jobs and we never got [the translations] back.

Further, because the March 2005 memorandum only addressed translations for international terrorist inmates, the BOP has no foreign language translation guidelines for any other group of inmates. As a result, the priority placed on obtaining translations for any inmates other than inmates convicted of terrorist-related offenses is left to the discretion of each institution's staff, primarily the SIS staff.

Translation practices are not standard at every institution. At 7 of 10 institutions we visited, SIS staff and volunteer translators told us that SIS staff often gave inmate letters to the translators or asked them to listen to telephone calls without providing any background information on what they should be looking for or instructions on the type of translation to be

⁶⁰ Language Translation Services, BOP CT Translation Special Project Funding.

performed (i.e., word for word, summary, or just an “OK”). The SIS staff in the other three institutions provided context, instructions on what to look for, and whether word-for-word translations or just a summary was required.

Because of the lack of guidance from SIS staff to translators, we found varied translation practices applied to the communications of terrorist and other high-risk inmates. These varied practices may not provide adequate translations for SIS staff to fully analyze the communications for suspicious content that was not recognized by translators. For example:

- One volunteer staff Arabic translator told us he never received instructions from the SIS staff on how to perform translations and rarely communicated with SIS staff, even though translations took up 30 to 40 percent of his time. He said he did not read the letters, but rather scanned them. He never wrote summaries of translations, but wrote only “OK” on the communication. If something looked suspicious, he wrote a memorandum explaining why it was suspicious. When he recommended rejecting a letter, he said he cited the reason.
- At one facility, the volunteer staff translator told us that she read 10 to 15 Spanish letters per day, but was not required to provide a written translation or summary for any of the letters. She stated that she read all the letters but only notified SIS staff verbally if she detected anything suspicious.
- At one pretrial facility, a Special Investigative Agent told us that he used a volunteer staff translator from another institution to screen inmate mail written in Arabic, but did not provide instructions to the translator as to the expected product. Consequently, the translator wrote only “OK – general conversation” on the letters with no translation if he found nothing suspicious. If he thought something was suspicious, he wrote a summary of that content.

At other institutions, SIS staff provided some background information to translators and required complete or partial word-for-word translations:

- At a medium-security institution, one staff member, a native Spanish speaker, translated mail and telephone calls from Spanish as a collateral duty. SIS staff usually told him what they were looking for in inmate letters. Normally, he wrote a summary of the letter, with a word-for-word translation of any suspicious sections.

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- At a low-security institution, a staff member who translated Spanish as a collateral duty for the SIS office told us that an SIS technician usually explained the context and what SIS was looking for in the correspondence. SIS required word-for-word translations, which she provided in handwritten form.

The BOP volunteer staff who translate inmate communications are not subject to language proficiency requirements, and the BOP has no policy requiring translations be checked for accuracy.

The BOP does not require staff who provide translations as a collateral duty to have a certain level of language proficiency, does not test staff for language proficiency, and does not have a procedure to randomly review the accuracy of communications that are translated. The lack of proficiency testing and quality controls could result in security vulnerabilities due to mistranslated or untranslated materials.

BOP staff volunteer annually to be listed in the BOP Directory of Translators and self-report their proficiency levels. The BOP Central Office distributes this directory to all institutions, which are directed to use staff listed in it before seeking outside translation assistance. Since the BOP does not maintain minimum standards for collateral duty translators, the BOP staff who volunteered as translators at the institutions we visited had varying levels of proficiency. The examples below show some of the proficiency differences at these institutions:

- At one medium-security institution, a staff member helped translate telephone calls and letters in French for the SIS staff. He considered himself to be at the “intermediate” level in reading and writing and at the “basic” level in speaking. He looked or listened for key words and phrases and provided summaries of the communications to the SIS office.
- Another BOP employee who translated Japanese stated that while he was proficient in the language, it required considerable time and effort for him to translate, depending on the complexity of the writing, and he sometimes sought the assistance of his wife, a non-BOP employee.
- At one institution, a staff member who is a native speaker of Arabic stated that he understood 90 percent of the Middle Eastern languages, but that he was not proficient in Pakistani and Afghan languages. He said these languages were totally distinct from

Arabic and were best translated by native speakers rather than by him.

Staff at the institutions we visited commented that mail and telephone translations were often done by BOP staff who were not native speakers and therefore were unfamiliar with some phrases in the foreign language. The large number of regional dialects and colloquialisms in many languages increases the risk of inaccurate or unreliable translations from untested staff. For example, an Arabic translator (native speaker) recounted the time an inmate stated that he was waiting for some “green olives.” The translator said that another person translating may have interpreted this expression literally, but in his country this expression meant money.

In addition, the BOP does not have standard procedures for ensuring the accuracy of staff translations. SIS staff told us that they had little choice but to trust the volunteer staff who translated for them because they did not know the languages themselves. One SIS Lieutenant told us that he took a Spanish document that one staff member had translated to another Spanish-speaking staff member for verification and learned that the translation was inaccurate.

The BOP does not have enough staff to translate inmate communications, especially for inmate communications in Spanish.

In 5 of the 10 institutions we visited, Spanish language mail and telephone calls chosen for random monitoring are not always translated because of insufficient staff translators. Approximately 28 percent of the BOP’s inmates are from Spanish-speaking countries. However, we found that even institutions in parts of the country that have a large Hispanic population had a shortage of Spanish-speaking staff.⁶¹

We visited high- and medium-security facilities at two BOP complexes with substantial Hispanic inmate populations in different parts of the country: Beaumont, Texas, and Allenwood, Pennsylvania. Over a quarter (663 inmates) of Allenwood’s high- and medium-security population of 2,480 inmates was Hispanic.⁶² However, between the two Allenwood institutions, only 12 Spanish-speaking staff covered three shifts a day and helped with translations. Staff at Allenwood reported that the shortage of Spanish-speaking correctional staff was a major challenge. Almost one-third of Beaumont’s inmate population (1,009 of 3,116 inmates) at its medium- and

⁶¹ The Hispanic population for all BOP institutions constituted approximately 32 percent of the inmates. Not all Hispanics communicate in Spanish.

⁶² BOP, *Inmate Characteristics Report*, May 2005.

high-security institutions was Hispanic, which matched the percentage of Hispanics in Texas as a whole.⁶³ However, the BOP employed only 42 Spanish-speaking staff at the Beaumont complex (3 institutions, 3 shifts a day), which an Associate Warden said was not enough to translate the amount of Spanish communications that must be monitored.

The BOP periodically provided a Spanish language immersion course for BOP staff.⁶⁴ However, the course was not offered to staff for over 2 years, from July 2003 until November 2005, because of budget constraints. According to some Correctional Officers and other staff we interviewed, they have repeatedly requested the course, but have never been enrolled. Prior to 2003, the BOP offered the Spanish immersion course six times in FY 2002, and five times in FY 2001. The BOP offered the course only once in FY 2006 with a class of 25 participants, and stated it is uncertain about this course offering in FY 2007.

The BOP has not regularly provided training for staff in languages other than Spanish. We interviewed one volunteer staff translator who maintained his proficiency in Arabic by speaking with inmates because there was no training available to him.

The BOP does not offer effective incentives to motivate staff with needed language skills to translate voluntarily, and some supervisors do not support translating as a collateral duty.

The BOP allows nominal monetary awards or written acknowledgements for staff who volunteer for collateral translation duties, but these incentives are applied inconsistently. Additionally, translating may affect the employee's regular duties, and not all supervisors support this labor-intensive collateral duty. Because of these factors, employees often are discouraged from volunteering to translate inmate mail and other communications.

Each Warden determines how much of a priority translation services will be in his or her institution and what kind of recognition staff will receive

⁶³ The Hispanic population in BOP institutions is made up of both U.S. citizens and foreigners. The BOP tracks inmates' citizenship and ethnicity, but not the languages they speak.

⁶⁴ The Spanish immersion course is intended to give staff the ability to understand key words and to communicate with Spanish-speaking inmates. Staff who are more proficient in Spanish are then encouraged to participate as interpreters during disciplinary hearings, intake screening, and monitoring of phone calls to pick up words, phrases, or conversations that may be suspicious.

for providing these additional services.⁶⁵ Some staff translators we interviewed stated that supervisors promised that they would be considered for a bonus, but the translators never received it. However, according to staff translators we interviewed, monetary rewards are not the only successful incentives. One staff member proficient in Arabic cited lack of any recognition as the primary disincentive to taking on the added work of translating. Consequently, he said that he would only translate for fellow staff in his department, but not anyone else. At another institution, we found that the BOP was paying an outside vendor to translate inmate communications even though a full-time BOP employee fluent in the required language worked less than 30 minutes away at another BOP institution. This employee said he used to translate often, but told us that he stopped providing translation assistance because he received no recognition or other incentives.

Some staff said that their supervisors were not supportive of their conducting translations during regular work hours. One staff member who translated Arabic told us he received so many requests for assistance from the SIS offices in both his institution and others that during some weeks he spent 8 or more hours translating. At one point, the staff member said he was admonished by his supervisor, who told him that the BOP “hired you as an accounting technician, not a translator.” From that point on, the staff member required all external requests for his translation services be sent to his Associate Warden, who was more supportive of his collateral translation activities. Another staff person we interviewed said that he had the support of the Warden and received compensatory time in one facility when he translated inmate communications in Arabic as a collateral duty. However, the situation changed when he transferred to another institution where his name was left out of the BOP-wide Directory of Translators, even though he submitted his name for inclusion and is a native Arabic speaker. He said he still received many requests for translations, which affected his ability to carry out his duties, so he translated largely on his own time. Hence, he received no compensatory time or overtime pay for his translation services.

The staff members we interviewed who translated inmate communications as a collateral duty did not track the number of hours they devoted to translating because the BOP does not require or even recommend this. Without any type of tracking system to document the total number of

⁶⁵ According to a BOP Program Statement, a supervisor is responsible for submitting a nomination for an employee to receive a cash award for translations done as a collateral duty. Wardens may approve up to \$1,500, Regional and Assistant Directors may approve up to \$3,000, and the BOP Director may approve up to a \$5,000 cash award. BOP, Bureau of Prisons’ Awards Program, Incentive Awards, Program Statement 3451.047, July 10, 2001.

hours staff spend translating as a collateral duty and the type of language translations provided, the BOP cannot accurately allocate resources or plan for hiring an appropriate number of full-time Language Specialists. Institutions also cannot properly carry out the incentive and rewards program without knowing how many hours individual staff are devoting to this collateral responsibility.

Full-time Arabic Language Specialists

The BOP does not offer sufficient intelligence training to full-time Language Specialists.

In 2005, the BOP hired its first full-time staff translators – three Arabic Language Specialists assigned to ADX Florence – and officials said they planned to hire four more Arabic Language Specialists for the BOP’s new Counterterrorism Unit (described later in this report). However, the BOP did not provide counterterrorism intelligence training to the full-time Language Specialists at ADX Florence in their first year that would assist them in analyzing what they were reading. One of these translators had translated all communications for Arabic-speaking international terrorist inmates at ADX Florence since 2001 without any intelligence training, first as a collateral duty and then full-time beginning in June 2005.⁶⁶ A former Special Investigative Agent at ADX Florence told us that he tried to get the Arabic translator intelligence training when he was a volunteer translator, but the BOP’s response was “unless you were in the SIS shop, do not even bother nominating someone.”

The translators’ need for intelligence training was addressed in the BOP’s internal March 2005 *After Action Report on Terrorist Issues*. The report focused on the ADX Florence letter-writing incident and listed several recommendations related to terrorist inmate issues:

- “[Foreign language communications] should be reviewed by suitably trained resources to identify potential intelligence from cultural contexts of communications.
- “Institution linguistic staff should be given suitable training and security clearances to facilitate local review of [foreign language communications].

⁶⁶ Until 2005, the employee was assigned as an Education Specialist at the USP Florence.

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- “Telephone communications by non-SAMs [international terrorists] should be live monitored by suitably trained staff (linguistically and intelligence background) rather than just recorded.
 - “Consider requiring [international terrorist inmates]’ visits be contemporaneously monitored by suitably trained staff (linguistically and intelligence background).”

In November 2005, one of the three Language Specialists attended a 1-week SIS training course, which focused on crime scene procedures and general investigative topics and contained only minimal counterterrorism information. In February 2006, the other two translators attended the same training. However, as described later in this report, this training did not adequately train the Language Specialists (or SIS staff) to perform intelligence analysis on communications for terrorist inmates not on SAMs.

Language Translation Services Project

The BOP’s Language Translation Services Project is a valuable but limited resource for institutions that house international terrorist inmates.

In 2003, the BOP created the Language Translation Services Project under which institutions can obtain translations from GSA-approved contractors for “exotic” languages.⁶⁷ Through this project, institutions can obtain complete word-for-word translations of non-SAMs international terrorist inmates’ mail and telephone calls that enable the SIS offices to monitor and analyze the communications. We found the project was viewed favorably by staff at all the institutions we visited, not only because the institutions can have certain non-SAMs international terrorist inmates’ communications translated by professionals, but also because the costs are funded out of the Central Office budget rather than the institutions’ budgets.

However, as we will discuss in more detail below, the project has some drawbacks. The services of contract translators are very expensive, the project does not cover non-terrorist inmates, and obtaining a contract translation involves a cumbersome approval process. Additionally, officials at one institution said they experienced several months’ delay in receiving translations from a GSA-approved vendor. Aside from the Language Translation Services Project contracts, however, BOP institutions have few options for obtaining external translation services.

⁶⁷ As mentioned previously, the BOP defines exotic languages as Middle Eastern, Pacific Island, and South Asian languages.

The high cost of the Language Translation Services Project has limited its availability. The BOP Central Office, in a July 2003 memorandum, recognized the potential high costs associated with contracted translation services and stated that “every effort must be taken to ensure BOP staff translators are utilized to the greatest extent possible prior to utilizing the National Language Translation Services Project.”⁶⁸ The BOP Central Office issued a second memorandum in March 2005, after the ADX Florence letter-writing incident, reminding institutions of the project and encouraging close coordination with the Central Office on its use. The memorandum stated in part:

In light of the recent events related to the monitoring of inmates that require special monitoring, I want to emphasize the availability and use of these services and encourage all BOP facilities to work closely with the Central Office Correctional Services section in making a determination when translation services need to be utilized. Note: When translator services are deemed necessary the cost will be funded via utilization of a Central Office National Fund Code.⁶⁹

According to SIS staff, the wording of the 2003 memorandum led institutions to rely on BOP staff to translate Arabic and other languages for non-SAMs international terrorist inmates’ communications until the March 2005 memorandum was issued. (The BOP staff who provided these translations at the institutions we visited informed us that most translations were just summaries or a note to the SIS staff stating “OK.”) We found that after the March 2005 memorandum was issued the institutions began to actively make use of the contract translation services for non-SAMs international terrorist inmates, although they continued to use staff translators as well.

In FY 2005, 16 BOP institutions used outside translation contractors compared with 10 institutions in the previous year. The amount of money the BOP spent on contract translations increased from \$47,289 in FY 2004, to \$743,381 in FY 2005. For FY 2006, the BOP budgeted \$2 million for contractor translation services. According to both the BOP Director and the Assistant Director for the Correctional Programs Division, the BOP planned to continue funding the project despite the cost because, in the absence of

⁶⁸ Michael B. Cooksey, Language Translation Services for Inmates Affiliated with International Terrorism, Correctional Programs Division, BOP, July 25, 2003.

⁶⁹ John H. Vanyur, Language Translation Services, BOP CT Translation Special Project Funding, Correctional Programs Division, BOP, March 15, 2005.

other options, it provided a needed service for the institutions housing non-SAMs international terrorist inmates.

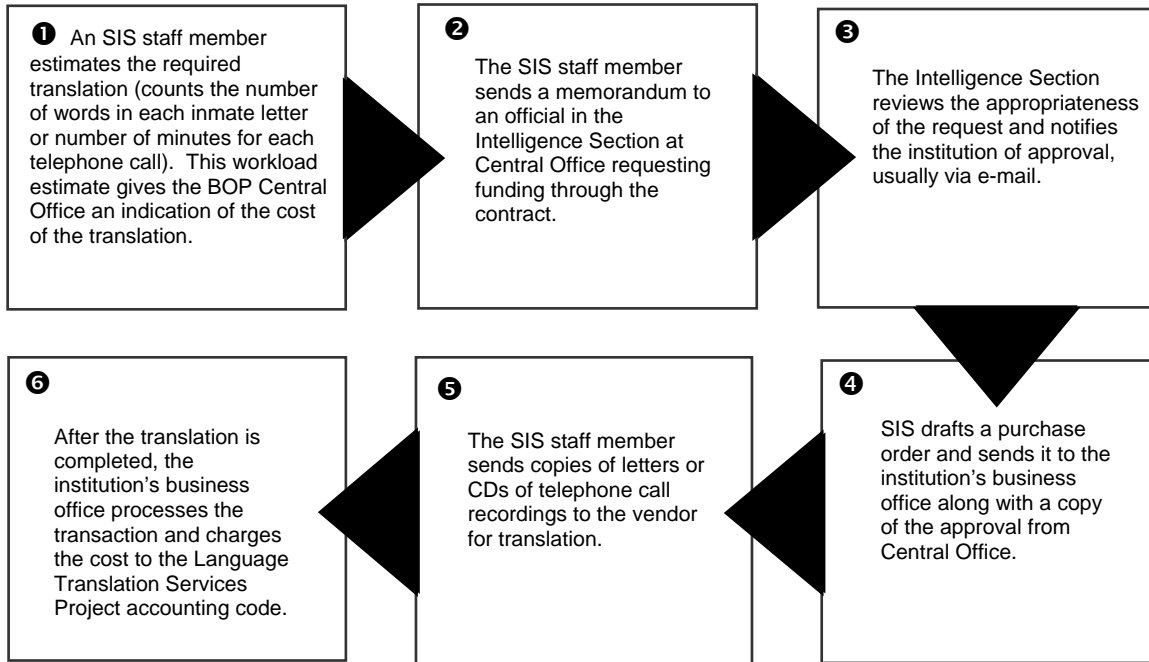
The Language Translation Services Project is not available for all translation needs. The project can only be used to translate communications that took place after March 2005 in Middle Eastern, Pacific Islands, and South Asian languages for specific international terrorist inmates. At one institution, the SIS office had untranslated communications from an international terrorist inmate in Japanese but could not use Language Translation Services Project contracts because the letters were written before March 2005. The SIS office was relying on a BOP employee at another institution to translate the communications. A considerable backlog remained because of the collateral nature of the employee's translation work and the lack of other Japanese-speaking staff.

For translation needs that do not qualify for funding by the project, the BOP encourages institutions to use local resources whenever possible. Some institutions reported using AT&T's translation service in the past, but could no longer do so because of budget cuts.⁷⁰ Other institutions have approached universities in their regions, but the universities expected payment for their services. Some institutions have sought non-traditional resources, such as electronic dictionaries and web sites, to look up words in Arabic. Some institutions also have asked the FBI for translation assistance, but according to the SIS staff we interviewed the FBI does not have enough translators to meet the demand in a timely manner.

The process for accessing the Language Translation Services Project is cumbersome. The request and approval process for using the Language Translation Services Project takes several weeks because the BOP Central Office requires institutions to submit paperwork for each separate request for translation. To avoid creating a purchase order for each letter or telephone call, institutions usually save several weeks' worth of letters or compact discs of telephone call recordings and submit them as a single request. We found at the institutions we visited that the turnaround time from the initial request to sending the job to the translation contractor ranged from 15 to 60 days. This does not take into account the time needed to actually have a document or telephone call translated. Figure 2 illustrates the procedures for using the Language Translation Services Project contracts.

⁷⁰ AT&T Language Line Services offers live "over-the-phone" translation in over 140 languages for a fee.

Figure 2: Procedure for Accessing the Language Translation Services Project



Developments and Future Plans

Since the discovery in March 2005 that the three 1993 World Trade Center bombers incarcerated at ADX Florence were corresponding with Islamic extremists, the BOP Executive Staff has taken several steps toward addressing the increased security monitoring and translation needs posed by the international terrorist inmates. A summary of the steps related to the BOP translation capabilities follows.

- Arabic Language Specialists. As discussed previously, three full-time Arabic Language Specialists were hired at ADX Florence in 2005, the BOP's first full-time translators. The three employees translate communications primarily for ADX inmates and sometimes for other institutions. In addition, at the time of our review, the three Language Specialists were undergoing Top Secret security background clearances and obtaining language proficiency certification by the FBI. The three Language Specialists had passed some, but not all, segments of the proficiency test.
- Language Translation Software. BOP officials said that language translation software was promising, but does not yet meet BOP

standards for accuracy. A representative from the Interagency Language Roundtable told us that while technology to translate typed text is available, a program that can effectively translate oral communications will not be developed for many years. Therefore, the BOP plans to utilize language translation software to initially assess inmates' foreign language communication in the absence of a qualified translator.

- Counterterrorism Unit. The BOP is developing a headquarters-level Counterterrorism Unit at a field site where four new full-time Arabic Language Specialists will be co-located with BOP intelligence analysts. The BOP believes that co-locating the Language Specialists and intelligence analysts will produce "consistent and cost-effective" translation of inmate communications. Additionally, the BOP plans to have a centralized "traffic cop" at this unit to make decisions as to who (GSA translator, Language Specialist, or volunteer staff translator) should be translating particular terrorist inmates' communications based on a risk assessment. The BOP will collect and disseminate counterterrorism information and intelligence at the Counterterrorism Unit to representatives from different agencies, such as the FBI. According to the BOP, the goals are to consolidate counterterrorism "intelligence, produce products for the field, enhance linkages to other agencies, and manage translation services." As of June 2006, the BOP had half of the Counterterrorism Unit staff on-board and expected to have the unit fully staffed by October 2006. While we believe the unit is beneficial, the intelligence analysis capability of the SIS offices at institutions where terrorists are housed also needs to be increased. The SIS staff at institutions work firsthand with terrorist inmates and need the ability to analyze the activities of these inmates so that they can recognize and pass on the appropriate intelligence to the BOP Central Office Counterterrorism Unit.
- Counterterrorism Training. The BOP informed us that the FBI, Drug Enforcement Administration, and Bureau of Alcohol, Tobacco, Firearms and Explosives are working together to develop general and component-specific intelligence analyst training that will be available to all agencies in the Department. The training will address the needs of the BOP for managing high-risk inmates, and BOP staff will attend the training in phases.
- National Virtual Translation Center. The BOP has used the center, an interagency entity established to provide translation of foreign language communication for Intelligence Community clients, to

translate some terrorist inmate communications. The BOP entered into a memorandum of understanding with the center in May 2006 and plans to use its services as a potentially less expensive option to the Language Translation Services Project.

Additionally, during a May 2006 interview the BOP Director and the Assistant Director for the Correctional Programs Division told us that the BOP would provide further direction to the institutions concerning the use of contractors and volunteer staff to translate inmate communications.

Recommendations

3. The BOP should develop a policy for in-house translation services that includes:
 - a. Guidelines for when and how translations are to be conducted, (e.g., when word-for-word translation or a summary is required), including translations of communications to and from international terrorist inmates.
 - b. Guidelines for the random verification of the accuracy of staff translations;
 - c. Guidelines on the minimum proficiency levels for volunteer BOP staff who translate communications for terrorist inmates, inmates on mail or phone monitoring lists, or other high-risk inmates;
 - d. Guidelines requiring supervisors to support collateral translation duties, and when work conflicts exist, to seek resolution with the Associate Warden or Warden;
 - e. Guidelines that require BOP staff who volunteer as translators to track the number of hours and the languages for which they perform translation services as a collateral duty to allow future resource needs to be determined; and
 - f. Guidelines that ensure institutions use the existing incentive awards program, especially cash awards, to encourage and recognize BOP volunteer staff translators. The BOP also should consider developing additional incentives and awards to encourage BOP staff to volunteer for collateral translation duties.
4. The BOP should offer Spanish and other language training to staff, as dictated by translation needs.

The BOP's intelligence capability to analyze the content of terrorist inmates' mail is not well developed.

We found that the BOP lacks a sufficient intelligence capability to adequately analyze inmate mail to detect terrorist activity. The SIS offices in BOP institutions we visited have more experience with intelligence gathering to detect and deter traditional criminal activity than terrorism. The SIS staff have implemented investigative techniques and established relationships with other law enforcement agencies that assist SIS staff in gathering and analyzing information about criminal activity in BOP institutions, such as drug introduction and gang violence. However, we found that the methods used by SIS staff to analyze intelligence for traditional criminal activity are not sufficient for detecting terrorism activity.

The BOP incarcerates international terrorist inmates who require sophisticated monitoring and analysis of their mail, conversations, and activities. Adequate monitoring of these inmates requires SIS staff to develop specialized capabilities, such as the ability to analyze mail and telephone calls in uncommon foreign languages, understand extremist ideology and radicalization, understand world-wide terror networks, perform link analysis, and oversee the enforcement of SAMs. However, the BOP does not provide the SIS staff with the intelligence training needed to adequately undertake these tasks. Further, we found that the BOP does not always take advantage of available intelligence resources, such as its Intelligence Operations Officers (IO) and the FBI.⁷¹

The BOP does not provide its SIS staff with the intelligence training needed to adequately monitor terrorist inmate mail.

SIS staff told us they do not receive sufficient training in intelligence analysis and counterterrorism issues so that they can identify suspicious content in the mail of terrorist inmates. The BOP has developed limited training on intelligence and counterterrorism and has not made training widely available to the SIS staff. BOP SIS Lieutenants attend a mandatory 4-day SIS course when first assigned to the SIS office, but this course is focused on crime scene procedures and general criminal investigative topics and contains only minimal counterterrorism information. No part of the

⁷¹ The IO position exists at certain institutions such as the BOP's Metropolitan Correctional Centers and Metropolitan Detention Centers. This management-level position is supervised by the Intelligence Operations Officer located at BOP Central Office in Washington, D.C. The IO works with law enforcement agencies and the courts to obtain information regarding inmates pending indictment or already in BOP custody. The information is to be used for determining the inmate's security risk to the BOP and the public. BOP, Position Description for Correctional Program Specialist, Intelligence Operations Officer, July 15, 2005.

training specifically examines intelligence analysis. Similarly, other BOP staff involved in monitoring inmate communications, particularly Correctional Officers, do not receive training in intelligence analysis and receive little training in counterterrorism.

In addition to classes on general criminal investigative issues, the BOP told us that the 4-day SIS training course contains six classes – a total of 8 hours of training – that cover issues and procedures related to counterterrorism and intelligence issues. When we requested the course content of these six classes, the BOP provided us with six slide presentations. We reviewed these presentations and found that only two (approximately 2 hours) of the six classes focused specifically on terrorism and provided little information that could be used to help assess the content of terrorist inmate communications. None of the presentations included information on how to conduct counterterrorism intelligence analysis for assessing inmate communications.

One of the presentations, “Terrorism,” provided a broad introduction to both domestic and international terrorism, the history of terrorism, and information on various terrorist groups. The presentation also included information on terrorist threats to corrections, recommended management strategies, how the BOP monitors terrorists, how to recognize radicalization, and pictures of all international terrorist inmates at ADX Florence. The other presentation, “Terrorism Awareness,” included information on the BOP’s management and monitoring of terrorist inmates, as well as pictures of some terrorist inmates.

Two of the other slide shows the BOP provided focused on use of two BOP automated database systems. Although the systems are used for intelligence management and investigations by the SIS offices, the presentations focused on familiarizing the staff with the systems’ features and the procedures for accessing the databases and did not specifically mention terrorism or how to use the systems’ data for monitoring inmates. The remaining two presentations provided information on interviewing inmates and legal issues. Neither presentation included information specific to terrorism, although the subject of SAMs was presented in reference to legal issues. We also reviewed a video, “7 Signs of Terrorism,” used in the SIS training and found that it presented information on how to identify terrorism activities in the local community that may indicate an attack is being planned.

The BOP also held a 3-day counterterrorism training session for SIS supervisors in September 2005. This training session included the following topics:

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- Overview of radical Islamic groups,
 - Behavioral mindset of a terrorist,
 - Security designation and validation,
 - Management of terrorist inmates,
 - SAMs inmates,
 - Correctional Intelligence Initiative,
 - Protective custody investigation,
 - Ion spectrometry,
 - Religious issues,
 - Analytic partnerships,
 - Successful investigative strategies, and
 - Labor management relations and Office of Internal Affairs issues.

A representative from the FBI presented the segment on building analytic partnerships and discussed FBI and BOP information sharing and what the FBI does with the information from the BOP.

Even though this 3-day training course provided the attendees in-depth information on international terrorist inmates, preventing prison radicalization, and accessing intelligence resources from the FBI, the training did not include information on how to conduct intelligence analysis on international terrorist communications. The BOP reported that 52 Special Investigative Agents and SIS Lieutenants, as well as 13 BOP Central Office staff, attended the September 2005 session. The BOP Assistant Director for the Correctional Programs Division stated that the training would be offered to the remaining Special Investigative Agents and SIS Lieutenants in August 2006. However, the training was not available to other SIS staff responsible for monitoring terrorist inmates' mail and telephone calls.

In addition, the BOP has offered a 1-hour course called "Terrorism Management and Response" during the Annual Refresher Training attended by all BOP employees. The session covers the definition and history of terrorism, types of terrorism, terrorist inmates, management strategies for international terrorist inmates, and radicalization and recruitment.

While the course lesson plan for the Annual Refresher Training includes a general background and history of terrorism, as well as some counterterrorism information related to the BOP or the institution conducting the training, it does not include specifics on intelligence analysis that would assist in assessing inmate communications for suspicious content related to terrorism. The course covers prevention and detection of radicalization and recruitment, but gives only general information on monitoring and gathering intelligence. For example, the lesson plan states

that 100 percent of terrorist mail and telephone calls should be monitored and that staff responsible for monitoring should be alerted to look for specific words and phrases. No other information about specific words or phrases to look for was provided. Also, the lesson plan states, “Gather Intelligence – Gathering Intelligence has been shifted from a criminal activity to proactive focus on terrorism activity,” but the presentation does not give guidance on how to gather such intelligence other than the traditional approach of observing inmate actions and behavior.

Many BOP staff members, including Regional Directors, Wardens, Associate Wardens, and SIS personnel, agreed that SIS staff need more counterterrorism and intelligence analysis training so they can recognize suspicious content in inmate mail and telephone calls. For example, we received the following comments from three officials:

We need to distinguish what we do with the international terrorist inmates as opposed to general population inmates. From a linguistic approach, even cultural diversity, we need to have basic training. There’s a Spanish immersion course, there should be something like that [to help staff translate the communications of] international terrorists.

The BOP tried to give us some training, but we need a lot more. For international terrorists, there’s so many groups . . . we need to know what is the up-to-date stuff in the last 6 months . . . any updated training to keep you on top of the game.

Counterterrorism is a new area for the BOP and it is learning how to deal with terrorism inmates as it goes along.

Although BOP personnel have extensive experience in dealing with criminals and gangs, we found a lack of understanding and knowledge of international terrorism and how terrorists operate that would allow BOP staff to better analyze terrorist inmate mail. For example, one SIS Lieutenant stated that he felt unprepared and ill-equipped to deal with international terrorist inmates because he lacks knowledge about inmates’ language, culture, and history that would enable him to better collect intelligence from their mail and telephone calls. Another BOP IO who worked with the FBI’s Joint Terrorism Task Force (JTTF) described the need for more counterterrorism intelligence training: “I don’t think people really understand the seriousness and sophistication of [these inmates].”

We found that this lack of understanding of terrorist inmates' beliefs, motivations, and actions affected the BOP's information sharing with the FBI. The FBI relies on the BOP to inform it of any suspicious communication or activity that occurs within the prisons. However, because of a lack of training on terrorism issues, the BOP does not always know when a communication or activity is suspicious enough to report it to the FBI. For example, when the SIS staff at ADX Florence learned that terrorist inmates had been corresponding with Islamic extremist inmates in Spanish prisons, the SIS staff never notified the FBI because the staff did not understand the implications of the correspondence for furthering terrorist activity. Many BOP staff we interviewed told us that they do not believe they have the training to adequately analyze intelligence from terrorist inmates and therefore may not recognize such threats to security.

Collaborative Intelligence Work

We found examples of SIS staff who made significant efforts to pursue terrorist intelligence relating to BOP inmates. For example, the SIS staff at the Allenwood Correctional Complex and FCI Sheridan have productive and collaborative working relationships with the FBI Special Agents assigned to terrorism matters in these institutions. These relationships have facilitated intelligence and information sharing. The FBI agent assigned to Allenwood stated that the SIS staff were "active and knowledgeable" about international terrorist inmates. For example, the SIS staff recently intercepted a letter to an extremist leader in Europe from an international terrorist inmate housed at Allenwood. The FBI agent assigned to FCI Sheridan stated that he regularly received intelligence and information from the SIS staff on terrorist inmates, and that he regularly monitors the communications of these inmates. We also found that the MDC Brooklyn IO had a solid understanding of terrorism issues because of his past membership on the FBI's JTTF and could identify potential terrorism security risks and share this information with the FBI.

The BOP does not take full advantage of existing access to information and intelligence through its Intelligence Operations Officers.

Although both MCC New York and MDC Brooklyn have IOs, neither institution has taken advantage of the greater access to the intelligence, information sharing, and resources that JTTF membership could provide the BOP for better monitoring its terrorist inmates' mail, telephone calls, and activities. The BOP developed the IO position in 1999 to serve as the BOP's link with federal law enforcement task force operations "which are engaged in operations which could provide meaningful intelligence information regarding inmates already in BOP custody," particularly the

FBI's JTTF.⁷² At BOP detention centers in metropolitan areas like New York City where there is a constant population of new inmates arrested on terrorism-related charges, we believe a consistent exchange of information between the IOs and the JTTFs is vital to help BOP institutions determine the appropriate level of monitoring for these inmates.

For example, the MDC Brooklyn IO, a former member of the New York JTTF, said he found out that two inmates at the MDC were terrorism suspects by reading their arrest warrants at the FBI. The charge sheet the MDC had received stated only, "Lying to a Federal Officer." Because of the information the IO gained from the JTTF, the MDC was able to plan for the appropriate level of security and communications monitoring for the inmates. However, the IO has not been permitted to participate on the JTTF since January 2004 because of staffing shortages at the MDC and his assignments covering vacant posts. At MCC New York, the IO is not a member on the JTTF and therefore has not received background information on incoming inmates, according to MCC New York management staff.

We interviewed Special Investigative Agents and SIS Lieutenants at six other BOP detention centers (one MCC and five Federal Detention Centers [FDC]) concerning the IO position and benefits of JTTF membership to the BOP. Two of these IOs were full-time JTTF members, two were part-time members, one IO was a liaison, and one FDC did not have an IO position.⁷³ At four of the five institutions with IOs, the staff told us that the IO position had enhanced information sharing between the BOP and the FBI. For example, an IO who was a JTTF member had access to FBI databases and could access information about a subject prior to the subject's arrest. The BOP was then able to plan the appropriate security measures, such as mail and telephone monitoring, prior to the inmate being placed in BOP custody. The IO also could provide information to the JTTF based on intelligence gathering in the prison and could assist the task force in planning operations and utilizing investigative methods inside the prison. In addition to information sharing, JTTF membership allows IOs to develop skills and expertise in intelligence analysis and terrorism issues and to take advantage of the terrorism and intelligence training that the FBI offers to its JTTF members.

⁷² At the time of our site visit, 15 international terrorist inmates were incarcerated at MCC New York and MDC Brooklyn.

⁷³ A member of the JTTF is supervised by and receives taskings from an FBI JTTF squad leader. A JTTF liaison is not a participating member of the JTTF and acts only as a point of contact.

Developments and Future Plans

In addition to the Counterterrorism Unit that will serve as a clearinghouse for terrorism intelligence in the BOP, the BOP is pursuing the following initiatives to improve its intelligence capability.

- Link Analysis Database. In June 2004, an Intelligence Management Analyst at the BOP Central Office created a database (which the BOP refers to as a link database) that enables the Analyst to conduct link analysis on terrorist inmates' mail, telephone calls, and financial transactions.⁷⁴ In May 2005, the Analyst began sending monthly link analysis reports to all SIS offices, regional offices, and the National Joint Terrorism Task Force (NJTTF). He encouraged the SIS offices to share the report with their local JTTFs. The Analyst said that he had received positive feedback from BOP institutions and the FBI on his link analysis reports. As one example of the report's value, he said that he detected a link between several BOP international terrorist inmates and a specific address and reported this to the FBI. According to the Analyst, the FBI initiated an investigation based on the information, which the Analyst believed eventually led to an arrest.

To further expand its link analysis capability, the BOP is developing a web-based tool that will access the BOP's existing inmate data systems. Staff will be able to conduct link analyses on all inmates, not just international terrorist inmates, without labor-intensive data entry into a separate database. Additionally, all SIS staff will be able to access the web-based link analysis tool at their institutions. The BOP expects this link analysis tool to be available in fall 2006.

- Consolidation of International Terrorist Inmates. The BOP is planning to consolidate all international terrorist inmates in approximately six institutions for enhanced management and monitoring. The approximately 146 international terrorist inmates will be re-classified under a new classification system as to their security designations and the resulting information will be used to determine where to house the inmates. In May 2006, BOP officials said the re-classifications were about half completed and should all

⁷⁴ The BOP's database does not create links but rather extracts and organizes the data in a manner that enables the analyst to identify relationships or links in phone numbers, addresses, names, financial transactions, etc.

be completed by October. The BOP believes that this consolidation will allow it to achieve better counterterrorism coverage with its limited intelligence, counterterrorism, and translation resources, while allowing the remaining institutions to concentrate on gang-related activity and other prison-based issues.

Recommendations

5. The BOP should provide advanced and continuing counterterrorism intelligence training to its full-time SIS staff, Language Specialists, and Intelligence Operations Officers (IOs), especially in those institutions that house terrorist inmates.
6. The BOP should clarify the role of IOs regarding membership on the FBI's JTTFs and ensure that the institutions support the IOs in carrying out their full-time task force coordination, intelligence gathering, and information sharing duties.

ADDITIONAL ISSUES

The problems we identified regarding the monitoring of inmates' mail also affected the monitoring of international terrorist and other high-risk inmates' telephone calls, cellblock conversations, and social visits. Because of staffing reductions and the limitations of BOP's foreign language translation capability, the institutions we visited were not monitoring 100 percent of telephone calls of inmates on the telephone monitoring lists, including Alert calls. For calls that were monitored, staff were not adequately trained in intelligence analysis and counterterrorism to recognize suspicious content in the conversations. We also found that the recording of cellblock conversations of SAMs inmates, although authorized, was occurring at only one BOP institution. Additionally, social visits of non-SAMs terrorist and other high-risk inmates were not audio monitored.

Many of the BOP staff responsible for monitoring inmates' mail also are responsible for monitoring inmates' verbal communications. Because of the close association of mail monitoring to other types of inmate monitoring (for example, an inmate on a mail monitoring list is usually on the telephone monitoring list as well), we also reviewed the BOP's monitoring activities for verbal communications.

The BOP does not monitor a sufficient amount of inmate telephone calls.

We found that telephone calls from high-risk inmates are not always monitored. The institutions we visited were not consistently meeting their monthly goals of monitoring 100 percent of Alert telephone calls or 100 percent of telephone calls of other inmates on the regular telephone monitoring lists.⁷⁵

According to the SIS staff at 7 of the 10 institutions we visited, the frequent rotation of staff in the telephone monitor position, as well as the reallocation of other positions that monitor telephone calls, caused many

⁷⁵ Alert calls are a sub-set of the SIS-created telephone monitoring list. Alert calls trigger a signal on the INTRUDR telephone system for staff to "live" monitor the calls. Inmates placed on Alert telephone monitoring status by SIS staff are those inmates identified as posing the greatest risk of being engaged in illegal or suspicious activity and include terrorist inmates.

calls to remain unmonitored. Additionally, telephone calls conducted in foreign languages were often not translated and therefore not monitored, including calls placed by inmates on the Alert and regular telephone monitoring lists. SIS staff told us that, as a result, they believed important intelligence information was missed. Although some institutions met or exceeded their goals for random monitoring, institutions did not consistently meet the 10 to 15 percent random monitoring goals set by Regional Directors.

Alert telephone calls of terrorist and other high-risk inmates are not always monitored.

Despite the importance of telephone monitoring and the requirement to monitor 100 percent of Alert calls for high-risk inmates, we found the percentage of Alert calls monitored varied widely by month and by institution.⁷⁶ When we reviewed the institutions' SIS records and INTRUDR data for FY 2005, we found that only 3 of the 10 institutions we visited consistently monitored close to 50 percent of Alert telephone calls each month. Even the country's highest security prison, ADX Florence, which houses the largest number of and most dangerous terrorist inmates, did not monitor 50 percent of Alert calls

Reduction of Telephone Monitoring at MCC New York

We found the most serious example of a reduction in telephone monitoring at MCC New York. Because of the loss of 2 of 3 telephone monitor positions, only 3 of 1,385 (0.2 percent) Alert calls were monitored in August 2005, leaving 99.8 percent of the calls unmonitored.

At that time, John Gotti, Jr., a high-profile organized crime figure, was incarcerated there while on trial for kidnapping, attempted murder, racketeering, and other charges. According to MCC staff, Gotti made 50 calls between August 20, 2005, and September 20, 2005 – none of which were monitored.

The elimination of two telephone monitor positions in the MCC's SIS office required the MCC to reprioritize the duties of the one remaining telephone monitor. Previously, the three telephone monitors read mail, monitored phone calls, monitored all the institution's surveillance cameras, and responded to subpoenas. Once two positions were eliminated, the remaining telephone monitor was told to focus on getting the mail out. When he arrived in the morning, he spent the first 4 hours reading mail from inmates on the mail monitoring list, reading and copying SAMs letters and envelopes, and filling subpoenas. When he was finished with those activities, he could then monitor phone calls.

⁷⁶ During a December 2005 interview, the BOP Assistant Director for the Correctional Programs Division told us that "the BOP expects 100-percent review and reading of mail [of inmates on mail monitoring lists] and 100 percent of [Alert] telephone calls listened to by staff." Also, a BOP memorandum, Handling of Terrorist/Suspected Terrorist Inmates, March 15, 2005, directs BOP institutions to monitor 100 percent of international terrorist inmates' mail and telephone calls.

each month. Only 2 of 10 institutions monitored close to 100 percent of Alert calls almost every month – USP Allenwood and USP Beaumont.

Subsequent to our field work, we requested telephone monitoring data from INTRUDR and SIS records from October 2005 to February 2006 for the 10 institutions we visited. We found that of the eight institutions that monitored significantly less than 100 percent of Alert telephone calls during FY 2005, six had markedly increased the percentage monitored after our visits, and three of these institutions reached 100-percent monitoring during these 5 months of FY 2006. SIS staff at the six institutions told us that the rate of monitoring had improved either because they were ordered by their Regional Director to increase their Alert monitoring numbers or because their SIS office had focused on streamlining its Alert telephone call list by ensuring that only appropriate inmates were included on the list. Additionally, in December 2005, the BOP Central Office re-allocated a telephone monitor position to the SIS offices who lost these positions earlier in 2005 as a result of the mission critical roster.

Telephone calls of other inmates on telephone monitoring lists are not consistently monitored.

Although the BOP does not track and could not estimate how many telephone calls were monitored for inmates on institutions' regular telephone monitoring lists, all SIS staff at the 10 institutions we visited told us that 100 percent of these calls were not being monitored as required by the BOP Assistant Director for the Correctional Programs Division.⁷⁷ SIS staff told us that monitoring for these inmates was affected by the same factors that affected the monitoring of Alert calls – frequent rotation of staff in the telephone monitor position and staffing reallocations.

The frequent rotation of telephone monitors and the reallocation of some positions in the SIS offices reduce intelligence gathering and analysis.

As discussed in the mail monitoring section, many SIS telephone monitor positions are filled on a rotational basis and have been subject to staff reductions. We found that the loss of continuity caused by the rotation of telephone monitors reduced intelligence gathering from inmate telephone calls. Like most post assignments at BOP institutions, the telephone

⁷⁷ Only Alert telephone calls are registered in the INTRUDR system. The regular telephone monitoring list is not registered in INTRUDR. Therefore, only Alert calls are tracked.

monitor is a “bid” post subject to quarterly rotation.⁷⁸ Frequent rotation of telephone monitors reduces the SIS offices’ knowledge of inmate behavior patterns and requires time-consuming training that reduces productivity. Also, SIS offices at 5 of the 10 institutions we visited had lost at least 1 telephone monitor position, through the reallocation of this position, which decreased the amount of telephone monitoring accomplished. One SIS official at an institution where multiple terrorists were housed told us his office lost two of three telephone monitor positions and all three intelligence officer positions that also helped monitor telephone calls, due to the reallocation of the positions elsewhere in the institution.

SIS staff at each institution we visited told us that not all telephone calls were being monitored adequately. For example, a Special Investigative Agent at one institution told us that during a 3-month period when an experienced telephone monitor was outbid for the position and a new staff member rotated in, the new staff member could monitor only 45 to 50 percent of what the experienced staff member had monitored and wrote no incident (misconduct) reports. The experienced telephone monitor subsequently returned to the SIS office, and in his first month back he monitored 100 percent of the telephone calls for inmates on the monitoring list and issued eight incident reports to inmates. An FBI Special Agent who conducted investigations in this same prison told us that “the key to effective monitoring is continuity in the SIS department, which requires a full-time, dedicated staff.”

A reduction in telephone monitoring directly affects the amount of intelligence gathered at an institution. SIS staff said they rely heavily on this type of intelligence to keep them abreast of planned criminal and other unauthorized activity in the institutions. At one SIS office, staff stated that the BOP was “missing critical information from not monitoring phone calls.” One Special Investigative Agent told us, “Phone calls are SIS’s main source of intelligence.” Another Special Investigative Agent said, “We’d be flying in the dark if not for mail and telephone monitoring.”

The BOP Assistant Director for the Correctional Programs Division, told the OIG that he supported a quarterly rotation in the telephone monitor position because Correctional Officers should be “out walking around and talking to the inmates” to bring a current knowledge of inmates and inmate activity to the SIS office. However, the Assistant Director said he would consider less frequent rotation of the telephone monitor position in SIS offices after being briefed on the results of our review.

⁷⁸ A bid position is a post in which a Correctional Officer can make a request for assignment. Post assignments are generally based on seniority.

Translation of foreign language telephone calls is sporadic.

The same concerns BOP staff expressed about the lack of guidance on translating foreign language inmate mail apply to translating foreign language telephone calls. The March 15, 2005, BOP memorandum that discussed the Language Translation Services Project addressed only translations of mail and telephone calls for specific international terrorist inmates. The BOP has no foreign language translation guidelines for any other group of inmates. Institution staff, primarily the SIS staff, decide what priority will be placed on obtaining telephone translations for inmates other than non-SAMs terrorists.

We found that BOP staff often do not listen to or translate calls in a foreign language from inmates on telephone monitoring lists (including Alert calls). Or, in some cases, BOP staff listen to the calls but do not understand the language. Staff who conducted telephone monitoring in 5 of the 10 institutions we visited informed us that if the institution did not have a staff member readily available to translate a foreign language phone call, the call was unlikely to get translated, even though the calls were recorded.

Spanish is the foreign language most frequently spoken by BOP inmates. Staff at 7 of the 10 institutions we visited told us that there were not enough Spanish-speaking staff to translate telephone calls. The telephone monitor in one SIS office told us that when he was monitoring Alert calls and came across one in Spanish, he “just moves on to the next one,” and the call does not get translated. The SIS Technician in that same office stated, “I’m going to be honest with you, on mail and Alert phone calls, 9 out of 10 times, Spanish goes untranslated.” We also found a similar situation at a penitentiary we visited. An SIS Technician there told us:

If the call is in Spanish [and the tower officer does not understand Spanish], the officer notes in the [INTRUDR] system “not able to monitor.” If the call is not picked up by SIS, the call is probably not listened to. If it’s an Alert call, it may also fall through the cracks. We only have so many staff.

At another penitentiary because of quarterly staff rotations, the SIS office lost the telephone monitor who translated Spanish telephone calls that could not be translated by the tower officers. Because the new telephone monitor who rotated in did not speak Spanish, the calls went untranslated. An SIS Lieutenant at another institution stated, “Foreign language never gets translated – we operate on faith.”

Although some institutions meet or exceed their goals for random telephone monitoring, random monitoring is still inconsistent.

In addition to not meeting the BOP goal of monitoring 100 percent of calls for inmates on Alert and regular telephone monitoring lists, we found that only 3 of the 10 institutions we visited met or surpassed their goals for randomly monitoring between 10 and 15 percent of all other monthly telephone calls placed by inmates. While the BOP has a 5-percent goal for random monitoring of inmate telephone calls, the Regional Directors require institutions within their regions to randomly monitor a higher percentage of all calls from inmates not on monitoring lists, percentages that vary by region from 10 to 15 percent. Officials at several institutions we visited said they strive to monitor 100 percent of all inmate phone calls. For example, between October 2004 and February 2006 ADX Florence randomly monitored 100 percent of inmate telephone calls for inmates not on monitoring lists (except in December 2004, when 85.7 percent of calls were randomly monitored). Also during this same period, USP Allenwood consistently monitored between 90 and 100 percent of inmate telephone calls for inmates not on monitoring lists.⁷⁹

We found that in FY 2005, 7 of the 10 institutions we visited did not consistently meet their Regional Directors' random telephone monitoring goals of between 10 to 15 percent. Four of these seven institutions never reached their Regional Director's goal for random monitoring of inmate telephone calls during the entire fiscal year, and two of the seven institutions met their Regional Director's goal only 1 and 2 months of FY 2005. One of the institutions met the goals for only 6 months of the fiscal year. Additionally, one of these seven institutions was unable to meet even the minimum 5-percent random monitoring goal established by the Central Office.⁸⁰ From October 2005 to February 2006, four of seven institutions that previously were not meeting the Regional Director's goals increased their random telephone monitoring percentages and met the goals for each

⁷⁹ USPs and the ADX Florence can be more successful at randomly monitoring a higher percentage of inmate calls than other BOP institutions because they have tower officers on the 12 a.m. to 8 a.m. morning shift who can monitor phone calls (recorded on the previous day) when there is limited activity in the facility. Institutions that have no towers must rely on the small SIS staff to monitor inmate calls or allow other staff members such as Unit Managers, Case Managers, or Associate Wardens to monitor phone calls from their computers.

⁸⁰ FCI Beaumont failed to meet the Central Office goal of monitoring 5 percent of random telephone calls in any month in FY 2005. MDC Brooklyn failed to meet the 5-percent goal for 8 of 12 months, and MCC New York failed to meet the 5-percent goal for 7 of 12 months.

of those 5 months. However, the other three institutions were still not meeting the Regional Director's goals during this 5-month period.

Developments and Future Plans

In interviews with the OIG, the BOP Director and the Assistant Director for the Correctional Programs Division emphasized their commitment to 100-percent monitoring of telephone calls of inmates on telephone monitoring lists. They acknowledged receiving feedback from institution staff describing the negative effects of losing telephone monitor positions on their monitoring and intelligence gathering. The Assistant Director said that despite its budget limitations, in December 2005 the BOP reallocated one telephone monitor position to all medium- and high-security and administrative institutions that previously lost this position.

Recommendations

7. The BOP should ensure that it monitors 100 percent of Alert telephone calls and translate all foreign language Alert calls.
8. The BOP should ensure that it monitors 100 percent of the calls of inmates on the SIS telephone monitoring lists and translate all foreign language calls from inmates on this list.
9. The BOP should review the frequency of the rotation and need for longer-term assignment of telephone monitor positions in SIS offices.
10. The BOP should ensure that foreign language telephone calls randomly selected for monitoring are translated either live or from the INTRUDR recordings.

Audio recording of cellblock conversations of SAMs inmates occurs at only one institution.

Although SAMs authorize the BOP to audio record SAMs inmates' cellblock conversations, three of the four institutions we visited that house SAMs inmates were not recording these conversations.⁸¹ Only ADX Florence was recording cellblock conversations for SAMs inmates, using

⁸¹ The authority to audio record inmate cellblock conversations is outlined in the SAMs as follows: "Pursuant to 28 C.F.R. § 501.3 . . . Recording Conversations Between Cells . . . USMS/BOP/Detention Facility/FBI are hereby authorized to place microphones in the hallways and elsewhere outside the inmate's cell to record any statements made by the inmate to other inmates or staff The Notice of SAM given to the inmate shall notify the inmate that he is subject to such recording."

recording equipment available as part of the cellblock construction. The BOP has not issued guidance for when or under what circumstances cellblock conversations of SAMs inmates should be recorded. The BOP Director told us he does not see the value of putting recording devices in all cellblocks where SAMs inmates are housed. He stated that the BOP is capable of audio recording on a case-by-case basis when intelligence indicates a need.

All Special Investigative Agents and SIS Lieutenants at the institutions we visited which house SAMs inmates informed us that they would like to listen to cellblock conversations of SAMs inmates but were unable to do so because they lacked specialized recording equipment and the SIS staff and translators to listen to the recordings. A manager at MCC New York told us that it would be helpful to monitor what terrorist inmates were saying, particularly when they were incarcerated during their trials. He said terrorist inmates under SAMs were conversing with other inmates at the facility and he believes the FBI would be interested in these conversations. However, neither the FBI nor the USAOs at the sites we visited had ever asked the BOP to record the cellblock conversations of SAMs inmates.

Recommendation

11. The BOP should consider implementing audio recording of cellblock conversations of all SAMs inmates and establish guidelines regarding when and under what circumstances to record these conversations.

The BOP has limited capability to monitor conversations of terrorist and other high-risk inmates during social visits.

The BOP does not audio record the social visits of non-SAMs terrorist and other high-risk inmates for monitoring purposes. As a result, despite the challenges of recording in a visiting room setting, the BOP may be missing opportunities to detect terrorist or criminal activity.⁸² Additionally, the BOP has not issued guidance for when or under which circumstances social visits of non-SAMs inmates should be recorded. As with cellblock conversations, the BOP Director stated that the BOP has the authority and

⁸² The BOP has the authority to audio record social – but not legal – visits of inmates. In December 2005, ADX Florence informed us that it had begun recording some non-contact social visits of non-SAMs inmates. All social visits for SAMs inmates are non-contact and are monitored contemporaneously by the FBI as well as recorded for later monitoring and analysis. All other inmates, including terrorist and other high-risk inmates, may have contact social visits in a large, open visiting room. These contact visits are not recorded.

tools to audio monitor specific visits with special advance preparation when intelligence indicates the need.

None of the 10 institutions we visited had the capability to routinely audio record conversations in the institution's large contact visiting room. Many of the non-SAMs international terrorist and other high-risk inmates are housed in the general population of BOP institutions and are allowed contact visits. All visiting room staff we interviewed at each of the 10 institutions said the capability to listen to the visiting room conversations of selected inmates to detect planned terrorist and criminal activities or inappropriate behavior would be helpful. SIS staff told us that because inmates realized their telephone conversations and mail were monitored, they directed their family and friends to visit because they knew the conversations would not be audio monitored.⁸³

Most SIS staff members we interviewed said that while recording visits would be beneficial for intelligence gathering purposes, it would be extremely difficult to carry out. Correctional Officers told us that the visiting room gets very noisy during peak visiting hours, making it almost impossible to listen "live" to a specific conversation without special equipment. Limited staff resources within the SIS offices would be further stretched by the additional responsibility of listening to recordings of social visits, and translation of some of these conversations would be required. Additionally, all of the visiting rooms we observed were staffed with the minimum number of Correctional Officers to process the visits (i.e., search and escort inmates, escort visitors, and visually monitor the visiting room). Consequently, operating and monitoring audio recording equipment in these visiting rooms with the current staff contingent would not be viable.

Recommendation

12. The BOP should consider periodically audio recording social visits of non-SAMs terrorist inmates and other selected high-risk inmates in institution visiting rooms.

⁸³ The BOP can audio record inmates in non-contact visiting booths in only 8 of more than 100 BOP institutions nation-wide.

The Department does not have a mandatory review process that requires all international terrorist inmates to be considered for SAMs upon initial incarceration and after conviction. In addition, the FBI's intelligence gathering and information sharing with BOP institutions on terrorist inmates are inconsistent. Moreover, the FBI and U.S. Attorneys do not adequately share information about newly incarcerated (pretrial) terrorists with MCC New York, which increases the security risk to the institution.

The Department does not have a mandatory review process to require that all international terrorist inmates are considered for SAMs upon initial incarceration and after conviction.

We found that the Department has no policy requiring that all inmates arrested for international terrorism-related crimes are reviewed to determine whether they should be placed under SAMs.⁸⁴ Unless a review is required, there is no guarantee that international terrorist inmates will be considered for SAMs. Consequently, terrorist inmates who pose a risk for continuing their terrorist activities while incarcerated may not receive the heightened security and communications monitoring they require during pretrial and post-conviction incarceration.

Several documents provide information about the criteria and procedures for requesting SAMs for inmates – the Code of Federal Regulations, the *U.S. Attorneys' Manual*, and Criminal Division guidelines. However, none of these documents requires that all international terrorist inmates be considered for SAMs. For example, the Code of Federal Regulations states that requests for SAMs may be submitted in writing to the Attorney General, through the Criminal Division's OEO, by the head of a federal law enforcement agency (e.g., the prosecuting USAO) or the head of an agency in the U.S. intelligence community. The *U.S. Attorneys' Manual* includes a section on Procedures for Special Confinement Conditions, dated October 1997, which defines SAMs and provides brief guidance about where a written request is to be sent (OEO) and what information to include in the request. It also states that the USAO, if requesting SAMs, should first contact and discuss the request with FBI field personnel familiar with the inmate.

⁸⁴ Title 28 of the Code of Federal Regulations authorizes the BOP Director, upon the direction of the Attorney General, to implement the restrictive housing and communications monitoring conditions known as SAMs for national security reasons or to prevent acts of terrorism or violence.

In March 2006, the Criminal Division's Counterterrorism Section, in coordination with OEO, distributed SAMs guidance to coordinators of the USAOs' Anti-Terrorism Advisory Councils (ATACs).⁸⁵ This document states in part:

Consideration of the appropriate use of SAMs is the responsibility of every Assistant U.S. Attorney handling a terrorism or terrorism-related matter and should be part of the overall planning and case strategy at the pre-charging stage. Even where SAMs are not sought or obtained at the detention hearing or other initial stage of the prosecution, they may become appropriate at later stages, during trial or post conviction, for example. Thus prosecutors must remain vigilant as to appropriate circumstances which would call for the imposition of SAMs at any stage of the prosecution.⁸⁶

The guidance encourages USAOs to discuss the proposed SAMs with the FBI (or other involved law enforcement or intelligence agencies) and also encourages the USAO to consult with the Criminal Division. We consider these guidelines, which are detailed and informative, to be a positive development, but they are not mandatory Department requirements. We believe that policy issued by the Attorney General or Deputy Attorney General *requiring* a SAMs review process and coordination among the USAOs, FBI, Criminal Division, and the Department's newly formed National Security Division when inmates charged with international terrorism-related crimes are incarcerated initially and after they are convicted would better ensure that inmates who require the highest level of communications monitoring will receive it.

The FBI's intelligence gathering on terrorist inmates and information sharing with BOP institutions are inconsistent.

We found that the FBI's interaction with the BOP for intelligence gathering and information sharing on incarcerated terrorists varied widely among FBI field offices at the sites we visited. We also found that the FBI was not always timely in translating the foreign language communications of SAMs inmates, which could contain valuable sources of intelligence.

⁸⁵ The purpose of the ATACs is to facilitate the exchange of information at the federal, state, and local levels and between the public and private sectors; conduct counterterrorism training; and coordinate terrorism prosecutorial and investigative strategies within the Department. There is one ATAC Coordinator, who is an Assistant U.S. Attorney, for each of the 93 Judicial Districts.

⁸⁶ Criminal Division, Guidance on Special Administrative Measures (SAMs), February 14, 2006.

The FBI assigns a Special Agent to each BOP institution from the field office or resident agency office with geographic jurisdiction for the institution. The Special Agent is responsible for investigating inmate-related criminal incidents that occur at the BOP institution.⁸⁷ Depending on the size of the FBI office and the number of terrorist inmates housed at institutions in its jurisdiction, the Special Agent also may be responsible for handling terrorism-related inmate issues, or a second agent may be assigned to that task.⁸⁸

We found that two of the five FBI offices at sites we visited conducted little to no proactive intelligence gathering regarding the activities of the terrorist inmates or inmates described as terrorist associates. The ADX Florence SIS staff told us that the FBI showed little interest in the 17 international terrorist inmates held at ADX until August 2004, when the FBI was told by Spanish authorities that three of those inmates – the 1993 World Trade Center bombers – had been corresponding with Islamic extremists in Spanish prisons and with a fugitive wanted for questioning in a planned courthouse bombing in Madrid. After discovery of the World Trade Center bombers’ letter writing, these three inmates were placed under SAMs, and the FBI assigned two Special Agents from its resident agency office in Pueblo, Colorado, to handle terrorist issues at the Florence complex.

The three FBI agents we interviewed who were responsible for both terrorism and criminal matters at the Beaumont Federal Correctional Complex in Texas were unaware that two inmates at the USP were incarcerated for international terrorism crimes. The SIS staff informed us that the local FBI office did not coordinate or proactively gather intelligence, share information, or monitor the activities of any terrorist inmate or those inmates described as terrorist associates at the complex.

Backlogs in SAMs translations can result in missed intelligence. The FBI is required by SAMs provisions to complete translations of SAMs inmate communications within 60 days. However, staff in at least three of the

⁸⁷ Inmate-on-inmate crimes are normally investigated by the FBI. The Department of Justice OIG, however, is responsible for investigating allegations of abuse, civil rights violations, bribery, fraud, and other violations by Department employees, contractors, and grantees, including allegations regarding BOP employees. The OIG does not have the authority to investigate violence by one inmate against another, unless it was done with the involvement of a BOP employee.

⁸⁸ In two of the four BOP facilities we visited, the FBI had assigned one agent for criminal issues and another agent for terrorist issues. MCC New York and MDC Brooklyn each had one FBI agent assigned to criminal issues, while terrorism inmates each had a separate case agent assigned.

institutions we visited experienced delays of 6 to 18 months in obtaining Arabic translations of SAMs inmate communications from the FBI.⁸⁹ For example, staff at the Allenwood complex in Pennsylvania sent nine letters to the FBI in New York for translation between April 2004 and August 2005 that were not translated until November 2005. Officials from MCC New York said they waited 12 to 18 months for translations of SAMs inmates' letters they sent to the FBI. Although the FBI is responsible for monitoring SAMs inmates, the FBI and the BOP must work together and use information from inmate mail and calls to detect and deter activities by SAMs inmates that pose a security risk to the institution and to the public. When asked about the delay in translation, the FBI stated that it does not have enough Arabic translators to meet the demand for translations for all its ongoing counterterrorism efforts.⁹⁰ Consequently, the FBI said it must prioritize the translation workload, which leads to delays in providing some translations. Additionally, the lengthy delays in FBI translations create a management problem for the BOP because the SAMs inmates are not permitted to send out or receive their mail until it is translated. We believe that a delay of 6 to 18 months to send and receive mail is unreasonable, and it causes numerous complaints from the inmates. In one case, after a BOP Special Investigative Agent inquired to the FBI about a delay in mail translation for a SAMs inmate, he was verbally told by the FBI agent to release the mail to the inmate even though the FBI had not yet translated the mail and the contents were unknown.

Examples of positive collaboration between the BOP and FBI. The Assistant Director of the Counterterrorism Division at FBI headquarters told us that the level of communication between the BOP and FBI is “very good, open, and fluid.” He believed the level of monitoring for terrorist inmates depends on the individual, the charges, the individual’s role in the crime, and on the FBI’s available resources. He stated that while the FBI has limited resources, the inmates have an unlimited ability to correspond. According to this FBI official, the FBI tries to “pick and choose those [inmates]” for monitoring and translation that can yield intelligence to “help the U.S. government.”

During our site visits, we found instances where the FBI Special Agents assigned to BOP institutions were actively working with the BOP and

⁸⁹ The BOP keeps copies of all SAMs inmates' mail and forwards the originals to the FBI for translation.

⁹⁰ The FBI’s challenges in securing reliable translation resources were addressed in two OIG reports, *Federal Bureau of Investigation’s Foreign Language Translation Follow-up*, Audit Report 05-33, July 2005, and the *Federal Bureau of Investigation’s Foreign Language Program – Translation of Counterterrorism and Counterintelligence Foreign Language Material*, Audit report 04-25, July 2004.

collecting intelligence on terrorist inmates. For example, the FBI Special Agents assigned to the Allenwood Correctional Complex and FCI Sheridan are proactively gathering intelligence, monitoring international terrorist inmates' activities, and communicating with the SIS staff at the institutions on a regular basis. These FBI agents stated that their relationships with the SIS staff were excellent. Both agents were knowledgeable about the terrorist inmates' communications, visits, associations, and movements inside and outside the prisons. These agents also referred leads and passed on information to other FBI field offices regarding potential terrorism activity in those jurisdictions that resulted from intelligence collected within the prisons.

Developments and Future Plans

The FBI Assistant Director for Counterterrorism stated that during FY 2005 the FBI had sought to identify more systematically where terrorist inmates are incarcerated, as well as monitor their activities and with whom they were communicating. Toward that end, the FBI, through the National Joint Terrorism Task Force's (NJTTF) Correctional Intelligence Initiative, directed all FBI field offices to open intelligence case files on any incarcerated international terrorist inmates within the field offices' jurisdictions.⁹¹ Before this change in policy, the FBI case agent who arrested an inmate was responsible for monitoring that inmate, no matter where the inmate was incarcerated. For example, many international terrorists are investigated and prosecuted in the Southern District of New York but are sent to prisons all over the country to serve their sentences. Therefore, an FBI Special Agent in New York City was still responsible for an international terrorist inmate incarcerated in ADX Florence in Colorado. The FBI Assistant Director said he expected this policy change to increase communication and information exchange between the FBI and the BOP because the jurisdiction and responsibility for monitoring the international terrorist inmates is now transferred to the local FBI office where the prison is located. Case monitoring for inmates housed at, for example, ADX Florence is now conducted by the FBI Resident Agency Office located in Pueblo, Colorado. Closer proximity of the monitoring agent to the international terrorist inmate should assist the FBI in proactively gathering intelligence available within the BOP.

⁹¹ The FBI has two BOP staff working full time at the NJTTF, a multi-agency task force with representatives from the intelligence, law enforcement, defense, diplomatic, public safety, and homeland security communities. The NJTTF provides administrative, logistical, policy, financial, and training support and guidance to the JTTFs. According to the FBI, the NJTTF serves as the "point of fusion" for terrorism intelligence for the JTTFs, member agencies, and others in the intelligence community.

MCC New York does not receive adequate information about newly incarcerated terrorist inmates to determine required monitoring.

Management staff at the MCC New York reported that they routinely receive “remarkably little” information other than a single page synopsis of charges when they receive terrorist inmates.⁹² The BOP depends on the arresting agency and the prosecuting USAOs to provide information on the inmates’ background, criminal history, and security threat to determine the level of security monitoring for newly incarcerated inmates. However, we found that the FBI and USAOs do not always communicate this information to the BOP. MCC staff told us that the lack of information about pretrial inmates, who are unclassified as to their security level, prevents them from doing their job effectively and also puts the security of staff and the institution at risk.

For example, MCC staff discovered in a news article, rather than from the FBI or USAO, that an international terrorist inmate housed at the MCC, and currently under SAMs, was a high-ranking member of al Qaeda, had martial arts and urban warfare training, and had trained to be a bodyguard for Osama bin Laden. Staff stated that when a new inmate is received, they have to generate a call to the FBI or USAO to ask, “What’s the story? [We] shouldn’t have to call them – they should call us. They’re very reluctant to give specifics” Staff told us that they need this information to plan for appropriate security monitoring, which includes monitoring mail, telephone calls, visitors, and inmate-to-inmate communications.

As mentioned previously, an institution’s participation in the FBI’s JTTF and other task forces may affect the level of information sharing between the FBI and the BOP. All MCCs and MDCs have an Intelligence Operations Officer (IO) whose primary function is to oversee information gathering and sharing. The SIS staff we interviewed from five additional FDCs and MCCs where IOs were members of the JTTF cited a high level of information sharing. At MCC New York, however, the IO is not a member of the JTTF and therefore does not receive background information on incoming inmates.

⁹² After an inmate’s conviction, the BOP receives a presentence investigation report containing information on the inmate’s offense, sentence, case background information, and personal information, including previous criminal history. Based on the information from the presentence investigation, the BOP determines each inmate’s security classification.

Recommendations

13. The Criminal Division and the National Security Division, on behalf of the Department, should develop a coordinated and mandatory review process for each newly incarcerated pretrial or convicted inmate associated with terrorism to determine the applicability of SAMs. This process should ensure, at a minimum, that the FBI, the prosecuting USAOs, the Criminal Division, and the National Security Division each review these inmates for SAMs applicability.
14. The FBI should continue to develop and reinforce procedures for interacting with the BOP regarding international terrorist inmates, including monitoring of inmates, intelligence gathering, and sharing of information and intelligence.
15. The BOP should review the information sharing procedures at the MCC New York and work with the FBI and the USAO to establish protocols for providing required inmate information about incoming terrorist and other high-risk inmates. The BOP should consider similar protocols at all MCCs and MDCs.

CONCLUSION

We concluded that the BOP's procedures for monitoring inmate mail and verbal communications are deficient and limit the ability of BOP staff to detect terrorist and other criminal activities. The BOP does not adequately read the mail or listen to the telephone calls, visitor communications, or cellblock conversations of terrorist and other high-risk inmates. Furthermore, the BOP does not have sufficient resources to translate inmate communications in foreign languages and lacks staff adequately trained in intelligence analysis techniques to properly assess terrorist communications.

Historically, the BOP's monitoring efforts have been predominantly focused on detecting and deterring traditional criminal activities (such as inmate gang violence and drug trafficking) rather than terrorist activities. However, the BOP incarcerates international terrorist inmates who require sophisticated monitoring and analyses of their communications and activities. The BOP's monitoring procedures, intelligence analysis, and foreign language capabilities have not evolved to that level. Consequently, serious lapses in security can occur, such as the letter writing incident at ADX Florence – the BOP's highest security prison.

Although the BOP has significant experience with high-risk inmates incarcerated for crimes unrelated to terrorism, its monitoring of these inmates also needs improvement. The BOP does not consistently monitor all of the written and verbal communications for high-risk inmates on monitoring lists, including foreign language communications. Therefore, the value of monitoring lists as a security and intelligence gathering technique is diminished.

The random reading of inmate mail – another important security and intelligence gathering technique – is under-emphasized in the BOP. Unlike random telephone monitoring, which has improved in part through implementation of monitoring goals, the BOP has not set goals for the random reading of inmate mail. At the 10 institutions we visited, random reading varied widely and was a lesser priority than delivering the mail within BOP time frames. Giving too little attention to the random reading of inmate mail may prevent the BOP from identifying information that is important to the security of its institutions and the public.

We also concluded that the BOP may be missing opportunities to gather intelligence about terrorist and other high-risk inmates by monitoring their conversations with visitors in the visiting rooms and with

other inmates in the cellblocks. Monitoring verbal exchanges in these settings poses challenges to the BOP, but inmates may plan and conduct illegal activities during visits or in the housing units if they know their mail and telephone calls are being monitored.

We concluded that intelligence gathering and information sharing between some Department agencies and the BOP should be improved. The FBI was not consistently conducting proactive intelligence gathering at BOP institutions housing terrorist inmates. Also, the FBI and the USAOs did not consistently share information about newly incarcerated terrorist inmates so that appropriate monitoring and other security precautions could be determined by the BOP. This limited intelligence gathering and information sharing raises the risk of security incidents.

Additionally, we concluded that after the ADX Florence incident, the BOP took proactive steps to improve its monitoring of terrorist and other high-risk inmates. For example, the BOP hired full-time Arabic language translators, established a Counterterrorism Unit, started planning to consolidate terrorist inmates into a few institutions, and continued to develop policies to limit the communications of these inmates.

We also concluded that the Department should assess whether SAMs are applicable to each international terrorist inmate. Although the Criminal Division and the USAOs have guidance about the use of SAMs and how to submit a SAMs request, the Department does not have a mandatory process to ensure that every international terrorist has been reviewed for SAMs and that the Department's components agree to forgo or apply SAMs for any particular inmate. Currently, the Department's Office of Enforcement Operations reviews only the appropriateness of SAMs requests for terrorist inmates that USAOs, law enforcement agencies, or intelligence agencies choose to submit. If no requests are received, no Department-level evaluation of SAMs applicability occurs. We believe the Department must have a coordinated approach to decision-making about each terrorist inmate's potential for continued terrorism activity while incarcerated and the level of monitoring required.

To assist in the improvement of monitoring mail and verbal communications of terrorist and high-risk inmates, this report makes 15 recommendations. Most of the recommendations address BOP issues, but several recommendations address other component or Department issues. We believe that if our recommendations are pursued to correct deficiencies in monitoring inmates, the security of BOP institutions and the public can be enhanced.

APPENDIX I: BOP PROGRAM STATEMENT 5265.11, POLICY FOR REJECTING INMATE CORRESPONDENCE

The Warden may reject correspondence sent by or to an inmate if it is determined detrimental to the security, good order, or discipline of the institution, to the protection of the public, or if it might facilitate criminal activity. Correspondence which may be rejected by a Warden includes, but is not limited to, correspondence containing:

- Matter which is nonmailable under law or postal regulations;
- Matter which depicts, describes, or encourages activities which may lead to the use of physical violence or group disruption;
- Information of escape plots, of plans to commit illegal activities, or to violate Bureau rules or institution guidelines;
- Direction of an inmate's business. An inmate, unless a pretrial detainee, may not direct a business while confined;
- Threats;
- A code;
- Sexually explicit material (for example, personal photographs) which by its nature or content poses a threat to an individual's personal safety or security, or to institution good order; or
- Contraband (A package without prior authorization by the Warden is considered to be contraband).

APPENDIX II: JOB DUTIES OF SIS POSITIONS

Position	Major Job Duties
Special Investigative Agent (GS-12)	<ul style="list-style-type: none"> • Acts as lead investigator in SIS operations, • Supervises daily activities of SIS office: <ul style="list-style-type: none"> ▪ Investigations of staff misconduct, criminal or administrative ▪ Investigations of inmate misconduct, administrative or criminal ▪ Phone monitoring ▪ Mail monitoring ▪ Intelligence gathering ▪ Security threat analyses ▪ Urinalysis testing • Serves as law enforcement liaison for the institution • Serves as intelligence officer for the institution (in the absence of an Intelligence Operations Officer) • Provides staff training in investigative issues, crime scenes, high-risk inmates • Maintains Administrative files on: <ul style="list-style-type: none"> ▪ Staff ▪ High-risk inmates ▪ Use of force
SIS Lieutenant (GS-9/11)	<ul style="list-style-type: none"> • In the absence of an Special Investigative Agent, serves as lead investigator in SIS operations and assumes all the duties as listed under the Special Investigative Agent above • Where a Special Investigative Agent is assigned, serves as the subordinate Lieutenant to the Special Investigative Agent
SIS Technician (GS-8)	<ul style="list-style-type: none"> • Serves as assistant to the Special Investigative Agent or SIS Lieutenant • Provides assistance during investigations, developing reports, preparing correspondence, maintaining evidence, and computer support • Assists in case preparation for presentation to the Disciplinary Hearing Officer, Office of Inspections, or the U.S. Attorney for possible prosecution • Loads, manages, and maintains advanced computer database systems and conducts computer searches within databases; trains SIS staff in operation of computer databases systems • Publishes automated computer reports • Performs standard and evidence photography, and maintains evidence files • Aids in evidence testing, handling, labeling, packaging and submission to federal crime labs • Serves as drug testing coordinator for inmate population

Position	Major Job Duties
<p>Intelligence Operations Officer (GS-12)*</p> <p>* Reports directly to the Intelligence Officer at the BOP Central Office, Washington, D.C., and works closely with the Captain of the assigned institution</p>	<p>Located only in select metropolitan areas at MDCs, MCCs and similar facilities</p> <ul style="list-style-type: none"> • Actively serves as the agency liaison with all local Federal law enforcement task force operations, such as the Joint Terrorism Task Force (JTTF) and others which are engaged in operations that could provide meaningful intelligence information regarding offenders in BOP custody • In the capacity of team leader: <ul style="list-style-type: none"> ▪ serves as the corrections expert in inmate activities within the institution ▪ manages the local intelligence collection and dissemination plan ▪ conducts databases research for task force dissemination and other law enforcement agencies ▪ assists with criminal investigations ▪ provides meaningful intelligence information regarding offenders already in BOP custody or projected as entering BOP custody in the future • Actively gathers intelligence regarding the identity of individual high-risk inmates entering custody • Obtains law enforcement documents on inmates pending indictment or in BOP custody. Particular attention is given to high-risk inmates. • Serves as subject matter expert for specific high-risk inmates in assigned geographic area; conducts detailed intelligence debriefs of high-risk inmates wishing to “drop out” of gangs – or provides interview strategies and background intelligence to those conducting the interview • Provides gang seminars and training on high-risk inmates

Position	Major Job Duties
Telephone Monitor	<ul style="list-style-type: none"> • Responsible for maintaining security of institution • Regularly performs as a law enforcement officer during specifically appointed times • Will provide the Special Investigative Agent with gathered intelligence retrieved from the Inmate Telephone System • Information involving drug trafficking, involvement in other illicit activities, and linked communications relative to inappropriate behavior will be monitored on a daily basis • Responsible for maintaining information gathered from the remote listening sites (towers), analyzing this information, providing follow-up, and determining its content. Any information obtained will be reported to Special Investigative Agent/SIS • Responsible for identifying inmates who are making excessive telephone calls. Identification of the telephone number called, any other inmate using the telephone number, and if an inmate has been identified as making an excessive number of calls • Responsible for researching inmate's assigned schedule, and if the inmate is using the telephone system when he is assigned to be at work, reporting this to the Special Investigative Agent/SIS • Responsible for maintaining profiles on specific high-risk inmates. • Responsible for assisting the Special Investigative Agent/SIS in referring criminal cases to the FBI, U.S. Marshals Service, U.S. Secret Service, or similar law enforcement agency • Assists the Special Investigative Agent/SIS during the investigation of complex criminal investigations • Assists the Special Investigative Agent/SIS in collecting, analyzing, and disseminating strategic intelligence as it is related to high-risk inmates • Assists in conducting counterintelligence operations • Responsible for information and intelligence exchange with other institutions • Must be familiar with BOP Program Statements, manuals, and general principles of investigation

Position	Major Job Duties
Intelligence Research Specialist	<ul style="list-style-type: none"> • Assigned only in select metropolitan areas and serves as a member of a team led by the Intelligence Operations Officer (IO) • Serves as the link between the IO and local institution staff to gather/share raw information and intelligence derived from the assigned IO's collection activities into intelligence databases, summaries, briefing papers, threat assessments, training materials, and similar intelligence products for BOP-wide use • As a member of the intelligence team: <ul style="list-style-type: none"> ▪ serves as a corrections expert on inmate activities within the institution ▪ conducts BOP database research for task forces and other agencies ▪ assists with criminal investigations ▪ provides meaningful intelligence information regarding offenders already in BOP custody or projected as entering BOP custody in the future • Performs analysis of materials obtained by the IO as well as other documents (such as indictments, arrest warrant affidavits, sentencing memoranda, pretrial detention reports, and similar sensitive original source law enforcement documentation) regarding inmates pending indictment, or already being held in BOP custody to use for operational intelligence purposes and for intelligence forecasting. Also directly collects "open source" materials from the press, broadcast media, internet, and similar sources which will aid in the analysis of issues of security concern to the BOP • Assists in developing interdiction strategies to include telephone monitoring strategies, work assignments, housing, and special accountability controls • Assist the IO in coordinating the release and sharing of BOP intelligence with law enforcement agencies • Is the alternate BOP Subject Matter expert for specific high-risk inmates home based in the assigned BOP geographical area • Assists in providing training

APPENDIX III: INMATE RESTRICTIONS AND FBI RESPONSIBILITIES RELATED TO SPECIAL ADMINISTRATIVE MEASURES

Issue	SAMs Restriction	FBI Responsibilities
Telephone Calls	<ul style="list-style-type: none"> • Non-legal calls limited to immediate family members • One non-legal call a month • Calls will be recorded 	<ul style="list-style-type: none"> • To contemporaneously monitor the phone call. • To analyze the recorded phone call (recording provided by the BOP) • To confirm relationship of immediate family members
Mail	<ul style="list-style-type: none"> • Non-legal mail restricted to immediate family members • Will be copied, forwarded to the FBI, and analyzed by the FBI 	<ul style="list-style-type: none"> • To review and analyze all non-legal mail • To return any English language mail within 14 business days and non-English mail within 60 business days to allow for translation • To return any mail where there is suspicion of a code within 60 business days to allow for decoding • To confirm relationship of immediate family members
Visits	<ul style="list-style-type: none"> • Non-legal visits limited to immediate family members • All non-legal visits will be in English, unless a fluent FBI, U.S. Marshals Service (USMS), BOP, or Detention Facility (DF)-approved translator can contemporaneously monitor the visit • Minimum of 14 calendar days in advance written notice to the USMS, BOP, or DF • No physical contact • One adult visitor at a time (FBI-verified children may visit with pre-approved adult visitor) 	<ul style="list-style-type: none"> • Contemporaneously monitor the non-legal visit • Analyze translation of visit • To confirm relationship of immediate family members

Issue	SAMs Restriction	FBI Responsibilities
Periodicals, Newspapers, Television and Radio	<ul style="list-style-type: none"> • May have access to publications determined not to facilitate criminal activity or be detrimental to national security • Shall have access to publications after a delay of at least 30 days • Not allowed to share publications with other inmates • Restricted from access to channels/stations which primarily broadcast news 	<ul style="list-style-type: none"> • Review and determine which publications inmate may have access to • Determine which parts of publication to remove before giving to inmate • Translate any publications and review/analyze the translations

Source: BOP

**APPENDIX IV: THE FEDERAL BUREAU OF
PRISONS' RESPONSE**



U.S. Department of Justice

Federal Bureau of Prisons

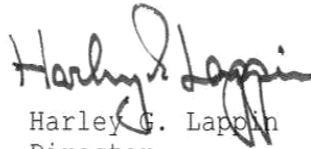
Office of the Director

Washington, DC 20534

September 19, 2006

MEMORANDUM FOR PAUL A. PRICE
ASSISTANT INSPECTOR GENERAL FOR
EVALUATION AND INSPECTIONS

FROM:


Harley G. Lappin
Director

SUBJECT:

Response to the Office of the Inspector General's
(OIG) Draft Report: Federal Bureau of Prisons'
Monitoring of Mail for High-Risk Inmates

The Bureau of Prisons appreciates the opportunity to respond to the recommendations contained in the OIG's draft report entitled Federal Bureau of Prisons' Monitoring of Mail for High-Risk Inmates.

Please find the Bureau's response to the recommendations attached.

If you have any questions regarding this response, please contact Michael W. Garrett, Senior Deputy Assistant Director, Program Review Division, at (202) 616-2099.

Attachment

Recommendation #1: The BOP should ensure that all mail of inmates on its mail monitoring lists is read, including translating and reading foreign language mail, and that the institutions' monitoring of this mail is tracked.

Response: We agree with this recommendation and recognize inmates placed on mail monitoring status should be held to a higher correctional management standard based upon identified risk factors.

As such, written and telephonic communications for these inmates should undergo a review by appropriately trained staff as soon as practical, to ensure the safe and orderly running of the institution and to prevent offenders from engaging in continuing criminal activity during their term of confinement. We are exploring procedural modifications and technology aides that will assist us in developing uniform standards and tracking for proper review and assessment of inmate communications, to include a requirement for timely summary translation of foreign language communications.

We anticipate completion of this initiative by December 2007.

Recommendation #2: The BOP should set minimum target percentages of incoming and outgoing mail for random reading, including translating and reading foreign language mail, and track the institutions' efforts to comply with these goals.

Response: We have some concerns with implementing this recommendation.

Based on our correctional experience, we believe targeting high-risk inmates is the most efficient and effective means of intelligence detection. Establishing a target percentage for the random sampling of all inmates' mail will divert critical resources and attention away from monitoring efforts focused on high-risk offenders. Our institution mail rooms receive between 5000 and 15,000 pieces of correspondence per week. The resources (both technological and manpower) necessary to raise the level of random sampling is significant. The volume of inmate communications fluctuates from day-to-day, significantly impacting the institution mail room and SIS operations. While inmates are limited to 300 minutes of telephone use per month (excluding legal consults), incoming and outgoing correspondence, with minimal exception, is unrestricted.

We are currently piloting an inmate messaging system called TRULINCS which allows offenders to communicate with family and

friends through use of electronic messaging via a secure work station. We believe this system, when fully implemented, will greatly reduce the amount of incoming and outgoing mail through the U.S. postal system. Each inmate is permitted to register up to 30 electronic addresses. All incoming and outgoing messages are screened for key words and assessed by SIS staff. If appropriate, the message is uploaded by staff and transmitted via the Web environment to the intended recipient. The system currently allows each message to be indexed for indefinite retention. This process affords our offender population a fast, "real world" communication outlet, while providing the agency with enhanced content monitoring controls. To date, the system infrastructure modifications are in place at 11 BOP facilities. Although still in the pilot stage, wardens and SIS staff report the system has greatly enhanced intelligence gathering efforts. We anticipate this pilot program will continue to be successful, and we will implement Bureauwide at all of our facilities in the next several months.

Therefore, we believe use of this new electronic messaging system coupled with implementation of recommendation 1 will ensure a high percentage of our inmates' mail will be read and/or screened on a daily basis. At this time, we want to delay establishing targets for random correspondence reading/screening until both of these initiatives have been implemented and then deem whether target setting is necessary for the remainder of the mail that is not read/screened. In the interim, our Assistant Director, Correctional Programs Division, will issue guidance to our wardens, mail room, and intelligence staff reminding them of our expectations for random reading/screening of mail. If this plan is acceptable to the OIG, we will provide periodic updates regarding these initiatives.

Recommendation #3: The BOP should develop a policy for in-house translation services that includes:

- a. Guidelines for when and how translations are to be conducted, (e.g., when word-for-word translation or a summary is required), including translations of communications to and from international terrorist inmates.

Response: We agree with this recommendation. The Special Investigative Supervisor Manual is undergoing review and revision. The draft includes language for timely completion of a summary translation for all forms of foreign communication pertaining to inmates classified as International Terrorists.

Verbatim translation would be further required when a suspicion for cause exists.

- b. Guidelines for the random verification of the accuracy of staff translations;

Response: We agree with this recommendation. Agency procedures relating to language translation are currently undergoing extensive internal review. During our assessment, we learned that critical language skills are in high demand in Federal Government, particularly with respect to agencies tasked with intelligence analysis. As such, clearance requirements, competency testing, and geographical placement are all mitigating factors in the recruitment of qualified applicants. Foreign language proficiency is routinely cited as a deficit skill in the United States, as competition for these resources has resulted in recruitment bonuses and incentive pay. In the absence of dedicated funding for terrorist management, the Bureau has been severely hindered in our recruitment efforts for hiring qualified staff possessing critical language skills integral to sound correctional management.

We have worked closely with the FBI, Language Services Division, and the International Language Round Table in formulating an understanding of the Language Competency Testing Standards. It is important to note the translator certification standards specifically apply to individuals regularly performing investigatory duties. It is our determination that Bureau staff working in the institution require a level of language proficiency that would sufficiently allow them to recognize noteworthy intelligence and to refer the information for further analysis. Therefore, the agency may require a level of language competency for individuals working in the institution that differs from that required for full-time translators. We will explore and implement the most appropriate and objective proficiency certification for our staff.

In the interim, we have developed a Reimbursable Agreement between agencies for language testing that is pending approval for fiscal year 2007. A work group will be established to determine language competency criteria for Bureau staff serving in either a primary or collateral capacity.

The recommended guidelines will be in place by January 2008.

- c. Guidelines on minimum proficiency levels for volunteer BOP staff who translate communications for terrorist inmates,

inmates on mail or phone monitoring lists, or other high-risk inmates;

Response: See response to recommendation 3.b. above. As indicated above, these recommended guidelines will be in place by January 2008.

- d. Guidelines requiring supervisors to support collateral translation duties, and when work conflicts exists, to seek resolution with the Associate Warden or Warden;

Response: We agree with this recommendation. A procedural directive will be issued by the Assistant Director, Correctional Programs Division, mandating local support for staff performing approved collateral language translation services.

This directive will be issued no later than December 2006.

- e. Guidelines that require BOP staff who volunteer as translators to track the number of hours and the languages for which they perform translation services as a collateral duty to allow future resource needs to be determined; and

Response: We agree with this recommendation. Inmate telephone monitoring is automatically tracked through the INTRUDR system. Further consideration will be given for uniform tracking of inmate correspondence, to include foreign language summary and verbatim translations.

These guidelines will be established by December 2006.

- f. Guidelines that ensure institutions use the existing incentive awards program, especially cash awards, to encourage and recognize BOP volunteer staff translators. The BOP also should consider developing incentives and awards to encourage BOP staff to volunteer for collateral translation duties.

Response: We agree with this recommendation. We recognize staff with bilingual awards for their translation services. Our policy statement for incentive awards provides guidelines regarding the use of awards to recognize staff who significantly contribute to the orderly running of the agency through their use of foreign language skills. We will reiterate our policy to all wardens to ensure Bureau volunteer staff translators are being recognized for their efforts. We will also consider developing additional incentives and awards to encourage staff to volunteer for collateral translation duties.

We anticipate this direction to the wardens will be issued no later than December 2006. We will periodically update the OIG on our progress with this initiative.

Recommendation #4: The BOP should offer Spanish and other language training to staff, as dictated by translation needs.

Response: We agree with this recommendation. Currently a company, certified by the FBI, is providing training to ADX Florence's Arabic translators. We are further exploring the use of this company for in-house training at other facilities. In addition, we are communicating with staff from the Defense Language Institute (DLI), which provides very comprehensive training in over 20 languages, including Arabic, Chinese Mandarin, Dari-Persian, Hebrew, Russian, Tagalog, Vietnamese, etc., regarding language training possibilities. DLI currently provides language training to the FBI.

There are three Spanish Language Training Program courses scheduled for fiscal year 2007 at our Management Specialty Training Center. We will explore establishing a contract to develop Advanced Spanish for staff with the responsibility of or assisting with Spanish translations. The course can incorporate intelligence collection training, and the same can be done for Arabic and other languages.

We anticipate completion of these initiatives by October 2008, and will keep the OIG apprised of our progress.

Recommendation #5: The BOP should provide advanced and continuing counterterrorism intelligence training to its full-time SIS staff, Language Specialists, and Intelligence Operations Officers (IOs), especially in those institutions that house terrorist inmates.

Response: We agree with this recommendation. In August 2006, the Central Office Intelligence Section conducted Terrorist Management Training for the remaining SIS staff that had not attended previously.

We have made arrangements with the FBI to conduct an ongoing 40-hour course focusing on intelligence gathering and analysis. The initial training will take place the week of December 4, 2006. The class will be conducted at the Quantico Marine Corps Base and will include Bureau staff from the Central Office Intelligence Section, Counter Terrorism Unit, Sacramento Intelligence Unit, and the SIA, two IOs, and three linguists from ADX Florence. Select staff will become certified as trainers to administer

further training to the remaining Bureau intelligence and SIS staff. The FBI has agreed to provide an abridged form of this training for newly selected SIS staff.

In addition, a variety of computer-based training programs are currently being evaluated for use. These programs include a course on terrorism and can be modified to incorporate information specific to the Bureau.

We anticipate completion of these initiatives by October 2007.

Recommendation #6: The BOP should clarify the role of IOs regarding membership on the FBI's JTTFs and ensure that the institutions support the IOs in carrying out their full-time task force coordination, intelligence gathering, and information sharing duties.

Response: We agree with this recommendation in part. Many IOs participate on task forces other than JTTFs, such as Safe Streets or High Intensity Drug Trafficking Area. Local federal agencies would prefer they continue in these roles as mandatory, full-time JTTF participation may undermine the goals of the local mission. However, the Bureau has required every institution to identify at least one staff member as a certified liaison with their local JTTF which enhances the gathering and dissemination of necessary information.

The Assistant Director, Correctional Programs Division, will distribute guidance and expectations to wardens for this initiative by November 2006.

Recommendation #7: The BOP should ensure that it monitors 100 percent of Alert telephone calls and translate all foreign language Alert calls.

Response: We agree with this recommendation. The Bureau will incorporate a revision to agency policy ensuring all communications for inmates placed on monitoring are properly translated, if applicable, and reviewed by appropriately trained staff.

We anticipate this revision will be accomplished by July 2008.

Recommendation #8: The BOP should ensure that it monitors 100 percent of the calls of inmates on the SIS telephone monitoring lists and translate all foreign language calls from inmates on this list.

Response: See response to recommendation 7 above.

Recommendation #9: The BOP should review the frequency of the rotation and need for longer-term assignment of telephone monitor positions in SIS offices.

Response: We agree with this recommendation. The roster rotation for the phone monitor position will undergo a review due to the critical nature of the position in the provision of timely and proficient monitoring of inmate telephone communications.

We anticipate resolution of this recommendation by May 2007.

Recommendation #10: The BOP should ensure that foreign language telephone calls randomly selected for monitoring are translated either live or from the INTRUDR recordings.

Response: We agree with this recommendation. We are conducting an internal assessment of language translation procedures. Random sampling or selection of foreign language telephone calls by general population inmates will be included in our procedural development.

We anticipate resolution of this recommendation by June 2008.

Recommendation #11: The BOP should consider implementing audio recording of cellblock conversations of all SAMs inmates and establish guidelines regarding when and under what circumstances to record these conversations.

Response: We agree further consideration is warranted. The Bureau will consult with the FBI to assess our current recording practices in order to determine if discretionary recording of cellblock conversations would be beneficial. The resources necessary (both technological and manpower to record and listen) to implement this recommendation will be restrictive.

We will convey our final decision after due consideration to the OIG by May 2007.

Recommendation #12: The BOP should consider periodically audio recording social visits of non-SAMs terrorist inmates and other selected high-risk inmates in institution visiting rooms.

Response: We agree with this recommendation and will assess the non-contact visitation process at the ADX to determine what system requirements will be needed to record visitation for high-risk inmates.

We will provide this assessment and our final decision and/or implementation plan to the OIG by March 2007.

Recommendation #15: The BOP should review the information sharing procedures at the MCC New York and work with the FBI and the USAO to establish protocols for providing required inmate information about incoming terrorist and other high-risk inmates. The BOP should consider similar protocols at all MCCs and MDCs.

Response: We agree with this recommendation. The MCC New York warden will be tasked with consulting with the local FBI and the USAO for the development of protocols for the provision of inmate information pertaining to terrorist and/or other high-risk inmates. The Assistant Director, Correctional Programs Division, will review the protocols for possible application at the national level.

We anticipate completion of these initiatives by September 2007.

APPENDIX V: OIG'S ANALYSIS OF THE FEDERAL BUREAU OF PRISONS' RESPONSE

On August 18, 2006, the OIG sent a copy of the draft report to the Federal Bureau of Prisons (BOP) with a request for written comments on Recommendations 1 through 12 and 15. The BOP responded to the OIG in a memorandum dated September 19, 2006. The BOP concurred with all the recommendations.

Recommendation 1: The BOP should ensure that all mail of inmates on its mail monitoring lists is read, including translating and reading of foreign language mail, and that the institutions' monitoring of this mail is tracked.

Status. Resolved – Open.

Summary of the BOP's Response. The BOP concurred with the recommendation stating that inmates placed on mail monitoring status should be held to a higher correctional management standard based on identified risk factors, and that these inmates' communications should be reviewed by appropriately trained staff as soon as practical. Toward that end, the BOP is exploring procedural modifications and technology aides to develop uniform standards and tracking of inmate communications. The BOP anticipates completing this initiative by December 2007.

The OIG's Analysis. The actions planned by the BOP are responsive to the recommendation. Please provide a status report on the development of the procedural modifications and tracking system by December 1, 2006.

Recommendation 2: The BOP should set minimum target percentages of incoming and outgoing mail for random reading, including translating and reading foreign language mail, and track the institutions' efforts to comply with these goals.

Status. Resolved – Open.

Summary of the BOP's Response. The BOP stated that it has some concerns about implementing this recommendation because the resources needed to raise the level of current random reading of mail would be significant. Instead, the BOP proposed delaying targets for random reading until it fully implements a new electronic messaging system called the Trust Fund Limited Inmate Communication System (TRULINCS). TRULINCS, which is in the pilot testing stage at 11 BOP facilities, allows inmates to

communicate with family and friends through the use of electronic messaging via a secure work station. The BOP stated that it intends to implement TRULINCS Bureau-wide in the next several months and expects the amount of incoming and outgoing inmate mail through the U.S. postal system to be greatly reduced. The BOP believes use of TRULINCS along with reading all mail for inmates on mail monitoring lists will ensure that a high percentage of inmate mail is read daily.

The OIG's Analysis. The BOP's implementation of TRULINCS as a first step in improving random reading of inmate mail is responsive to the recommendation. However, TRULINCS may not preclude the need for setting targets for random reading of inmate mail written in English and foreign languages. Inmates are not required to use TRULINCS instead of the U.S. postal system, and the amount of hardcopy inmate correspondence may remain significant. Therefore, mailroom and housing unit staff may still be required to randomly read a meaningful percentage of hardcopy incoming and outgoing mail for inmates not on mail monitoring lists. The BOP's response also does not state whether TRULINCS is to be used by inmates who communicate in foreign languages. By December 1, 2006, please provide the results of the pilot tests, which should include data about TRULINCS's effect on intelligence gathering and the amount of U.S. mail as well as TRULINCS's applicability to foreign language communication, and a status report on the implementation of TRULINCS Bureau-wide.

Recommendation 3: The BOP should develop a policy for in-house translation services that includes:

- a. Guidelines for when and how translations are to be conducted (e.g., when word-for-word translation or a summary is required), including translations of communications to and from international terrorist inmates;
- b. Guidelines for the random verification of the accuracy of staff translations;
- c. Guidelines on the minimum proficiency levels for volunteer BOP staff who translate communications for terrorist inmates, inmates on mail or phone monitoring lists, or other high-risk inmates;
- d. Guidelines requiring supervisors to support collateral translation duties, and when work conflicts exist, to seek resolution with the Associate Warden or Warden;

-
- e. Guidelines that require BOP staff who volunteer as translators to track the number of hours and the languages for which they perform translation services as a collateral duty to allow future resource needs to be determined; and
 - f. Guidelines that ensure institutions use the existing incentive awards program, especially cash awards, to encourage and recognize BOP volunteer staff translators. The BOP also should consider developing additional incentives and awards to encourage BOP staff to volunteer for collateral translation duties.

Status. Resolved – Open.

Summary of the BOP's Response. The BOP concurred with the recommendation.

- a. The BOP stated that the Special Investigative Supervisor (SIS) Manual is undergoing review and revision and will include language about timely completion of summary translations for all forms of foreign communication for all international terrorist inmates. Verbatim translations will be required for suspicious content.
- b. The BOP stated that staff working as volunteer translators require sufficient language proficiency to recognize noteworthy intelligence for further analysis. The BOP stated that it has formed a work group to develop language competency criteria for BOP staff serving as volunteer translators or full-time translators and has developed a Reimbursable Agreement between agencies for language testing that is pending approval for fiscal year (FY) 2007. The BOP anticipated implementing language proficiency guidelines by January 2008.
- c. The BOP referred to its response for item b above.
- d. The BOP stated that it will issue a procedural directive in December 2006 mandating local support for staff performing approved collateral language translation services.
- e. The BOP stated that monitoring of foreign language telephone calls is tracked automatically through the INTRUDR system. The BOP will consider uniform tracking of translations performed for inmate correspondence.

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- f. The BOP stated that it will reiterate existing incentive awards policy to wardens to ensure staff volunteer translators are recognized for their efforts. The BOP also will consider developing additional incentives and awards to encourage staff to volunteer for collateral translation duties. The BOP will issue guidance to wardens by December 2006.

The OIG's Analysis. The actions planned by the BOP are generally responsive to the recommendation. We believe the BOP's translation policy requires some additional steps for items a, b, and e.

- a. The policy should include directions on whether outside contract services or volunteer staff (whose language proficiency levels have been untested in the past) should be used for translating foreign language communications of international terrorist inmates.
- b. The policy should include procedures for randomly verifying the accuracy of staff translations.
- e. The policy should require staff to track the time spent translating correspondence and telephone calls and the languages translated. It is unclear whether INTRUDR automatically tracks this type of information for inmate calls.

Please provide a status report on the translation policy by December 1, 2006.

Recommendation 4: The BOP should offer Spanish and other language training to staff, as dictated by translation needs.

Status. Resolved – Open.

Summary of the BOP's Response. The BOP concurred with the recommendation. The BOP stated that a contractor is providing Arabic language training to BOP's full-time translators at ADX Florence. The BOP is exploring the use of this contractor for in-house language training at other institutions. Additionally, the BOP is reviewing courses at the Defense Language Institute, which provides a variety of language training to federal agencies. The BOP scheduled three Spanish Language Training Program courses during FY 2007 and will explore development of an advanced Spanish language course. The BOP anticipates the completion of these initiatives by October 2008.

The OIG's Analysis. The actions planned by the BOP are responsive to the recommendation. By December 1, 2006, please provide the dates for the scheduled Spanish courses and the status of the BOP's decisions on developing an advanced Spanish course and using the contractor and the Defense Language Institute as sources for other language training.

Recommendation 5: The BOP should provide advanced and continuing counterterrorism intelligence training to its full-time SIS staff, Language Specialists, and Intelligence Operations Officers (IO), especially in those institutions that house terrorist inmates.

Status. Resolved – Open.

Summary of the BOP's Response. The BOP concurred with the recommendation. The BOP stated that in August 2006, the Central Office Intelligence Section provided Terrorist Management Training for SIS staff that had not previously attended the course. The BOP further stated that the Federal Bureau of Investigation (FBI) agreed to conduct an ongoing 40-hour course on intelligence gathering and analysis and that the first class will occur the week of December 4, 2006. The FBI also agreed to provide an abridged form of this training to newly appointed SIS staff. Select BOP staff will become certified as trainers and will train the remaining BOP intelligence and SIS staff. The BOP also is evaluating a variety of computer-based training programs. The BOP anticipates completing these initiatives by October 2007.

The OIG's Analysis. The actions planned by the BOP are responsive to the recommendation. By December 1, 2006, please provide a copy of the 40-hour course content, number of planned participants, dates scheduled for the course, and plans for providing training to other intelligence and SIS staff.

Recommendation 6: The BOP should clarify the role of Intelligence Operations Officers (IO) regarding membership on the FBI's Joint Terrorism Task Forces (JTTF) and ensure that the institutions support the IOs in carrying out their full-time task force coordination, intelligence gathering, and information sharing duties.

Status. Resolved – Open.

Summary of the BOP's Response. The BOP concurred in part with the recommendation. The BOP stated that many IOs participate on task forces other than JTTFs and therefore cannot participate full time on JTTFs. However, by November 2006, the BOP stated that it will issue guidance to

wardens that requires every institution to identify at least one staff member to be a certified liaison with the local JTTF.

The OIG's Analysis. The actions planned by the BOP are responsive to the recommendation. Please provide a copy of the guidance to wardens by December 1, 2006.

Recommendation 7: The BOP should ensure that it monitors 100 percent of Alert telephone calls and translates all foreign language Alert calls.

Status. Resolved – Open.

Summary of the BOP's Response. The BOP concurred with the recommendation and stated that it will revise its policy to ensure all communications for inmates on monitoring lists are properly translated, if applicable, and reviewed by trained staff. The BOP anticipates completing the policy revision by July 2008.

The OIG's Analysis. The action planned by the BOP is responsive to the recommendation. However, the anticipated completion date is untimely. By December 1, 2006, please provide an earlier completion date or an explanation for the delayed date and the BOP's interim plans to ensure that telephone calls for inmates on telephone monitoring lists (which include Alert calls) are translated and monitored during the policy revision period.

Recommendation 8: The BOP should ensure that it monitors 100 percent of the calls of inmates on the SIS telephone monitoring lists and translates all foreign language calls from inmates on this list.

Status. Resolved – Open.

Summary of the BOP's Response. The BOP concurred with the recommendation and referred to Recommendation 7 for its planned actions.

The OIG's Analysis. Please see our analysis for Recommendation 7.

Recommendation 9: The BOP should review the frequency of the rotation and need for longer-term assignment of telephone monitor positions in SIS offices.

Status. Resolved – Open.

Summary of the BOP's Response. The BOP concurred with the recommendation and stated that it will review the roster rotation for the telephone monitor position because of the position's importance in providing timely and proficient monitoring of telephone communications. The BOP anticipates a decision on the rotation policy by May 2007.

The OIG's Analysis. The action planned by the BOP is responsive to the recommendation. Please provide a status report on the roster rotation review by December 1, 2006.

Recommendation 10: The BOP should ensure that foreign language telephone calls randomly selected for monitoring are translated either live or from the INTRUDR recordings.

Status. Resolved – Open.

Summary of the BOP's Response. The BOP concurred with the recommendation. The BOP is conducting an internal assessment of language translation procedures and will decide whether to include random sampling or selection of foreign language telephone calls. The BOP anticipates a decision on translating foreign language telephone calls by June 2008.

The OIG's Analysis. The action planned by the BOP is responsive to the recommendation. However, the anticipated completion date of the internal assessment and decision on randomly translating foreign language telephone calls is untimely. By December 1, 2006, please provide an earlier completion date or an explanation for the delayed date and your interim plans for ensuring that a meaningful percentage of foreign language telephone calls for inmates not on telephone monitoring lists will be translated during the internal assessment period.

Recommendation 11: The BOP should consider implementing audio recording of cellblock conversations of all Special Administrative Measures (SAMs) inmates and establish guidelines regarding when and under what circumstances to record these conversations.

Status. Resolved – Open.

Summary of the BOP's Response. The BOP concurred with the recommendation. The BOP stated that it will consult with the FBI to assess the current recording practices to determine if discretionary recording would be beneficial. The BOP will convey its final decision by May 2007.

The OIG's Analysis. The action planned by the BOP is responsive to the recommendation. Please provide the status of the assessment of recording practices by December 1, 2006.

Recommendation 12: The BOP should consider periodically audio recording social visits of non-SAMs terrorist inmates and other selected high-risk inmates in institution visiting rooms.

Status. Resolved – Open.

Summary of the BOP's Response. The BOP concurred with the recommendation. The BOP stated that it will assess the non-contact visitation process at ADX Florence. The BOP expects to provide the assessment, final decision, and implementation plan, if applicable, by March 2007.

The OIG's Analysis. The action planned by the BOP is responsive to the recommendation. Please provide the status of the assessment by December 1, 2006.

Recommendation 15: The BOP should review the information sharing procedures at Metropolitan Correctional Center (MCC) New York and work with the FBI and the U.S. Attorney's Office (USAO) to establish protocols for providing required inmate information about incoming terrorist and other high-risk inmates. The BOP should consider similar protocols at all MCCs and Metropolitan Detention Centers (MDC).

Status. Resolved – Open.

Summary of the BOP's Response. The BOP concurred with the recommendation. The BOP stated that the Warden of MCC New York will work with the local FBI and USAO to develop protocols for sharing information about terrorist and other high-risk inmates. The Assistant Director of the Correctional Programs Division will review the protocols for possible application at the national level.

The OIG's Analysis. The actions planned by the BOP are responsive to the recommendation. Please provide the status of the protocols by December 1, 2006.

APPENDIX VI: THE CRIMINAL DIVISION'S RESPONSE



U.S. Department of Justice

Criminal Division


Executive Office

Washington, D.C. 20530

AUG 28 2006

MEMORANDUM

TO: Paul A. Price
Assistant Inspector for Evaluations and Inspections

FROM: Paul R. Johnson
Acting Executive Officer 

SUBJECT: Criminal Division's Comments to your Draft Evaluation Report on the Federal Bureau of Prisons' Monitoring of Mail for High-Risk Inmates

In response to your August 17, 2006 memorandum, the following is the Criminal Division's response to the draft report and the recommendation to the Division.

Recommendation to the Criminal Division

The Criminal Division, on behalf of the Department, should develop a coordinated and mandatory review process for each newly incarcerated pretrial or convicted inmate associated with terrorism to determine the applicability of SAMs. This process should ensure, at a minimum, that the FBI, the prosecuting USAOs, and the Criminal Division each review these inmates for SAMs applicability.

The Criminal Division concurs with this recommendation with one small change. The Division proposes the recommendation should read:

The Criminal Division and the National Security Division, on behalf of the Department, should develop a coordinated and mandatory review process for each newly incarcerated pretrial or convicted inmate associated with terrorism to determine the applicability of SAMs. This process should ensure, at a minimum, that the FBI, the prosecuting USAOs, and the Department each review these inmates for SAMs applicability.

In March 2006, the National Security Division of the Department of Justice was authorized in the USA Patriot Improvement and Reauthorization Act of 2005. Kenneth Wainstein has been nominated as the Assistant Attorney General for this new Division and once he is confirmed, the Division will be formed. The Criminal Division's Counterterrorism, Counterespionage, and Office of Intelligence Policy and Review Sections will be moving to this new Division. Since the Counterterrorism Section plays an important role in the Special Administrative Measures (SAMs) review process for newly incarcerated pretrial and convicted

inmates associated with terrorism, we think that National Security Division should also be part of this recommendation.

The Criminal Division, in concordance with the National Security Division, plans to implement this recommendation by proposing a change to the U.S. Attorneys Manual (USAM) provisions. Currently, we are drafting the text for this change to the USAM. The Division plans to have this draft completed soon in order to share it with the appropriate personnel in the Department for their feedback before submitting it to the full Attorney General Advisory Committee for their approval. We expect that this entire process will take six months.

Editorial Comment

In addition to our proposed change to the recommendation, the Division has the following editorial change.

- **Page 64; Section heading, “The Department does not have a mandatory review process to require that all international terrorist inmates are considered for SAMs upon initial incarceration and after conviction”:** As discussed in this Section of the report, while the Department does not have any policy requiring that all inmates arrested for international terrorism-related crimes are reviewed to determine whether they should be placed under SAMs, the Department has issued guidance about the criteria and procedures for requesting SAMs for inmates. So to better reflect this effort, we recommend the title be changed to: *Although the Department has provided meaningful guidance regarding when to propose SAMs, the Department does not have a mandatory review process to require that all international terrorist inmates are considered for SAMs upon initial incarceration and after conviction.*
- **Page 65; Last paragraph; Second sentence:** We suggest that page 65 should be modified as follows: *We consider these guidelines, which are detailed and informative to be a positive development. The Criminal Division's guidelines discuss, among other things, the criteria used for SAMs, the procedures to follow in implementing and renewing SAMs and the constitutional issues related to the imposition of SAMs. The guidance is drawn from case law and practical experiences of the Department's efforts in this area. This type of analytic product well serves the interests of the Department in clearly and uniformly providing meaningful guidance to prosecutors engaged in these types of inquiries. We note, however, that these guidelines are not mandatory Department requirements.*

We appreciate the opportunity to comment on this draft. If you have any questions or concerns, please contact Debra Frary, Audit Liaison for the Criminal Division, at (202) 305-4967 or debra.frary@usdoj.gov.

APPENDIX VII: OIG'S ANALYSIS OF THE CRIMINAL DIVISION'S RESPONSE

On August 17, 2006, the OIG sent a copy of the draft report to the Criminal Division with a request for written comments on Recommendation 13. The Criminal Division responded to the OIG in a memorandum dated August 28, 2006. The Criminal Division concurred with the recommendation but proposed minor language changes.

Recommendation 13: The Criminal Division and the National Security Division, on behalf of the Department, should develop a coordinated and mandatory review process for each newly incarcerated pretrial or convicted inmate associated with terrorism to determine the applicability of SAMs. This process should ensure, at a minimum, that the FBI, the prosecuting USAOs, the Criminal Division, and the National Security Division each review these inmates for SAMs applicability.

Status. Resolved – Open.

Summary of Criminal Division's Response. The Criminal Division concurred with the recommendation that the Department should develop a coordinated and mandatory review process for each newly incarcerated pretrial or convicted inmate associated with terrorism to determine the applicability of SAMs. The Criminal Division stated that since its Counterterrorism, Counterespionage, and Office of Intelligence Policy and Review sections will be moving to the Department's newly created National Security Division, the new Division should share the responsibility with the Criminal Division in developing this coordinated and mandatory review. In March 2006, the National Security Division of the Department was authorized in the USA Patriot Improvement and Reauthorization Act of 2005. The Division will be formed once the nominated Assistant Attorney General for this new Division is confirmed.

The Criminal Division plans to implement this recommendation by proposing a change to provisions of the *U.S. Attorneys' Manual* and is currently drafting the text for this change, which will eventually be submitted to the Attorney General Advisory Committee for its approval. The Criminal Division anticipates the entire process will take 6 months.

The OIG's Analysis. The action planned by the Criminal Division to update the *U.S. Attorneys' Manual* with language that *requires* a coordinated and mandatory SAMs review process for each newly incarcerated pretrial or convicted inmate associated with terrorism is responsive to the

recommendation. Please provide us with a status report on the updated *U.S. Attorneys' Manual* language reflecting this requirement by December 1, 2006.

APPENDIX VIII: THE FEDERAL BUREAU OF INVESTIGATION'S RESPONSE



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

September 22, 2006

The Honorable Paul A. Price
Assistant Inspector General
Office of the Inspector General
Evaluation and Inspection Division
Department of Justice
Suite 6100
1425 New York Avenue, NW
Washington, D.C. 20530

RE: OIG Recommendation 14

Dear Mr. Price:

This letter is in response to the Office of the Inspector General (OIG) review of the "Federal Bureau of Prisons' Monitoring of Mail for High-Risk Inmates", A-2005-006, specifically recommendation number 14. This recommendation states "The FBI should continue to develop and reinforce procedures for interacting with the Bureau of Prisons (BOP) regarding international terrorist inmates, including monitoring of inmates, intelligence gathering, and sharing information and intelligence." The FBI agrees with this recommendation and will continue to develop procedures regarding information sharing with BOP.

In February 2003, the FBI, working through the National Joint Terrorism Task Force (NJTTF), developed the Correctional Intelligence Initiative (CII). This program was established to interface with the BOP, as well as all state, local, territorial, tribal and privatized correctional facilities regarding international terrorist inmates. The CII facilitates the coordination of terrorism matters between the Joint Terrorism Task Forces (JTTF) and all correctional agencies through the exchange of intelligence information between the participating agencies.

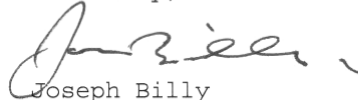
As part of the CII program, each FBI field office has a CII coordinator who cultivates partnerships between the FBI and all correctional agencies. These partnerships have allowed the FBI to detect, deter, and disrupt efforts by terrorist or extremist groups to radicalize or recruit among inmate populations.

The NJTTF continues to actively expand and reinforce this program by consistently providing CII training materials, intelligence products, and reference resources to CII coordinators in every FBI field office. These materials are used by CII coordinators when training personnel from correctional agencies. In addition, the NJTTF provides regional training seminars to JTTF personnel and to personnel from various correctional facilities to increase situational awareness regarding the CII program. This training includes providing a set of universal countermeasures designed to detect and prevent prison radicalization. The NJTTF routinely issues guidance to field through the dissemination of communications to further this program.

Interaction between BOP and FBI involves comprehensive immersion of assigned BOP staff to Joint Terrorism Task Forces (JTTF) as well as the National Joint Terrorism Task Force (NJTTF). These BOP representatives are granted full access to FBI Counterterrorism resources, information systems, and infrastructures. In return, BOP provides the FBI with vast amounts of intelligence information concerning inmates.

In summary, the FBI has procedures in place to interact not only with BOP, but all state and local correctional facilities. The FBI will continue to expand and emphasize this successful existing program.

Sincerely,



Joseph Billy
Acting Assistant Director
Counterterrorism Division

APPENDIX IX: OIG'S ANALYSIS OF THE FEDERAL BUREAU OF INVESTIGATION'S RESPONSE

On August 17, 2006, the OIG sent a copy of the draft report to the Federal Bureau of Investigation (FBI) with a request for written comments on Recommendation 14. The FBI responded to the OIG in a memorandum dated September 22, 2006. The FBI concurred with the recommendation.

Recommendation 14: The FBI should continue to develop and reinforce procedures for interacting with the BOP regarding international terrorist inmates, including monitoring of inmates, intelligence gathering, and sharing of information and intelligence.

Status. Resolved – Open.

Summary of the FBI's Response. The FBI concurred with the recommendation and stated that it will continue to reinforce and improve its Correctional Intelligence Initiative (CII), which facilitates coordination of terrorism issues between the FBI, the BOP, and state and local correctional agencies. The FBI will continue its training of CII Coordinators in each field office, who in turn help train correctional personnel. Further, the FBI will continue to grant BOP representatives to the Joint Terrorism Task Forces full access to FBI counterterrorism resources.

The OIG's Analysis. The actions planned by the FBI are responsive to the recommendation. Please provide the status of the FBI's improvements to the CII and its training of CII Coordinators and BOP personnel by December 1, 2006.