



# U.S. Department of Justice Office of the Inspector General

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## Report to Congress on Implementation of Section 1001 of the USA PATRIOT Act

*(as required by Section 1001(3) of Public Law 107-56)*

January 27, 2004

Section 1001 of the USA PATRIOT Act (Patriot Act), Public Law 107-56, directs the Office of the Inspector General (OIG) in the U.S. Department of Justice (DOJ or Department) to undertake a series of actions related to claims of civil rights or civil liberties violations allegedly committed by DOJ employees. It also requires the OIG to provide semiannual reports to Congress on the implementation of the OIG's responsibilities under Section 1001. This report – the fourth since enactment of the legislation – summarizes the OIG's Section 1001-related activities from June 16, 2003, through December 15, 2003.

## **I. INTRODUCTION**

The OIG is an independent entity that reports to both the Attorney General and Congress. The OIG's mission is to investigate allegations of waste, fraud, and abuse in DOJ programs and personnel and to promote economy and efficiency in DOJ operations.

The OIG has jurisdiction to review programs and personnel in all DOJ components, including the Federal Bureau of Investigation (FBI), the Drug Enforcement Administration (DEA), the Federal Bureau of Prisons (BOP), the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the U.S. Attorneys' Offices, and other DOJ components.<sup>1</sup>

The OIG consists of the Immediate Office of the Inspector General and the following divisions and offices:

- **Audit Division** is responsible for independent audits of Department programs, computer systems, and financial statements.
- **Evaluation and Inspections Division** provides an alternative mechanism to traditional audits and investigations to review Department programs and activities.
- **Investigations Division** is responsible for investigating allegations of bribery, fraud, abuse, civil rights violations, and violations of other criminal laws and administrative procedures that govern Department employees, contractors, and grantees.

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<sup>1</sup> On March 1, 2003, the Immigration and Naturalization Service (INS) moved from the DOJ to the Department of Homeland Security (DHS). Consequently, the OIG's review of allegations of misconduct involving INS employees – including claims of civil rights and civil liberty abuses – ended in early 2003. If the OIG receives allegations involving immigration-related issues, including complaints about abuse of civil rights or civil liberties by employees of the former INS, we now forward the complaints to the DHS OIG.

- **Office of Oversight and Review** blends the skills of attorneys, investigators, and program analysts to investigate or review high profile or sensitive matters involving Department programs or employees.
- **Office of General Counsel** provides legal advice to OIG management and staff. In addition, the office drafts memoranda on issues of law; prepares administrative subpoenas; represents the OIG in personnel, contractual, and legal matters; and responds to Freedom of Information Act requests.
- **Management and Planning Division** assists the OIG by providing services in the areas of planning, budget, finance, personnel, training, procurement, automated data processing, computer network communications, and general support.

The OIG has a staff of approximately 400 employees, about half of whom are based in Washington, D.C., while the rest work from 16 Investigations Division field and area offices and 7 Audit Division regional offices located throughout the country.

## **II. SECTION 1001 OF THE PATRIOT ACT**

Section 1001 of the Patriot Act provides the following:

The Inspector General of the Department of Justice shall designate one official who shall -

- (1) review information and receive complaints alleging abuses of civil rights and civil liberties by employees and officials of the Department of Justice;
- (2) make public through the Internet, radio, television, and newspaper advertisements information on the responsibilities and functions of, and how to contact, the official; and
- (3) submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on a semi-annual basis a report on the implementation of this subsection and detailing any abuses described in paragraph (1), including a description of the use of funds appropriations used to carry out this subsection.

### **III. CIVIL RIGHTS AND CIVIL LIBERTIES COMPLAINTS**

*Review information and receive complaints alleging abuses of civil rights and civil liberties by employees and officials of the Department of Justice.*

The OIG established the Special Operations Branch in its Investigations Division to help manage the OIG's investigative responsibilities outlined in Section 1001.<sup>2</sup> The Special Agent in Charge (SAC) who directs this unit is assisted by two Assistant Special Agents in Charge (ASAC), one of whom assists on Section 1001 and DEA matters and a second who assists on FBI matters. In addition, two Investigative Specialists support the unit and divide their time between Section 1001 and FBI/DEA responsibilities.

The OIG receives civil rights and civil liberties complaints via mail, e-mail, telephone, and facsimile. The complaints initially are reviewed by the Investigative Specialist and ASAC responsible for Section 1001 matters. After review, the complaint is entered into the OIG's investigations database and a decision is made concerning its disposition.

One of the initial determinations is whether a complaint alleges the type of abuse of civil rights and civil liberties contemplated by Section 1001 of the Patriot Act. While the phrase "civil rights and civil liberties" is not specifically defined in the Patriot Act, the OIG has looked to the "Sense of Congress" provisions in the statute, namely Sections 102 and 1002, for context. Sections 102 and 1002 identify certain ethnic and religious groups who would be vulnerable to abuse due to a possible backlash from the terrorist attacks of September 11, 2001, including Muslims, Arabs, Sikhs, and South Asians.

The more serious civil rights and civil liberties allegations that relate to actions of a DOJ employee or DOJ contractor are generally assigned to an OIG Investigations Division field office for investigation by OIG special agents. Other complaints are assigned to the OIG's Office of Oversight and Review for investigation.

Given the number of complaints and its limited resources, the OIG does not investigate all allegations made against DOJ employees. The OIG refers for appropriate handling many complaints involving DOJ employees to internal affairs offices in DOJ components, such as the FBI Office of Professional Responsibility, the DEA Office of Professional Responsibility, and the BOP Office of Internal Affairs. In certain referrals, the OIG requires the components to report the results of its investigations to the OIG. In most cases, the OIG

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<sup>2</sup> This unit also is responsible for coordinating the OIG's review of allegations of misconduct by employees in the FBI and the DEA.

notifies the complainant of the referral.

Many complaints involve matters outside the OIG's jurisdiction because they involve issues regarding non-DOJ employees. Complaints that identify a specific issue for investigation are forwarded to the appropriate investigative entity. For example, complaints of mistreatment by airport security staff are sent to the DHS OIG. We also have forwarded complaints to the OIG at the Department of Housing and Urban Development, Department of State, and the Social Security Administration. In addition, we have referred complainants to a variety of police department internal affairs offices who have jurisdiction over the subject of the complaints.

When an allegation received from any source involves a potential violation of federal civil rights statutes by a DOJ employee, OIG staff discusses the complaint with the DOJ Civil Rights Division for possible prosecution. In some cases, the Civil Rights Division accepts the case and requests additional investigation by either the OIG or the FBI. In other cases, the Civil Rights Division declines prosecution. Even in the event of a declination, the OIG may continue investigating the complaint as an administrative matter.<sup>3</sup>

#### **A. Complaints Processed this Reporting Period**

From June 14, 2003, through December 15, 2003, the period covered by this report, the OIG processed the following number and types of complaints:

- Number of complaints processed suggesting a Section 1001-related civil rights or civil liberties connection:<sup>4</sup> 1,266
- Number of "unrelated" complaints:<sup>5</sup> 720

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<sup>3</sup> The OIG can pursue an allegation either criminally or administratively. Many OIG investigations begin with allegations of criminal activity but, as is the case for any law enforcement agency, do not end in prosecution. When this occurs, the OIG is able to continue the investigation and treat the matter as a case for potential administrative discipline. The OIG's ability to handle matters criminally or administratively helps to ensure that a matter can be pursued administratively, even if a prosecutor declines to prosecute a matter criminally.

<sup>4</sup> This number includes all complaints in which the complainant makes any mention of a Section 1001-related civil rights or civil liberties violation, even if the allegation is not within the OIG's or the DOJ's jurisdiction.

<sup>5</sup> Complaints in this category cite no improper act by a DOJ employee or contractor or no discernible nexus between the alleged conduct of the DOJ employee/contractor to any Section 1001-related civil rights or civil liberties violation. Examples of this category include complaints that the government is broadcasting harmful electronic signals to individuals, claims that the government is intercepting dreams, and allegations that the government is using subliminal messages to force people to engage in certain acts.

- Number of complaints outside the OIG’s jurisdiction:<sup>6</sup> 384
- Number of complaints within the OIG’s jurisdiction: 162
- Number of complaints within the OIG’s jurisdiction in which the OIG or another internal affairs office within a DOJ component opened an investigation or conducted a closer review: 17

The 162 complaints processed by the OIG during this reporting period that fell within the OIG’s jurisdiction (*i.e.*, that state a claim involving a DOJ component or employee) covered a wide variety of subjects. They included allegations of excessive force and verbal abuse by BOP correctional officers, unwarranted cell searches by BOP staff, retaliatory actions by BOP employees, illegal searches of property and fabrication of evidence by FBI agents, and the failure of the FBI to initiate investigations.

However, many of the 162 complaints in this category, while within the OIG’s jurisdiction and couched as a “civil rights” complaint, did not raise issues implicated by our duties under Section 1001. For example, the OIG received numerous complaints from inmates alleging that they have not received appropriate medical care or were given food that violated their religious dietary restrictions.

None of the 162 matters involved complaints alleging misconduct by DOJ employees related to their use of a substantive provision in the Patriot Act.

After closely analyzing the complaints in this category, the OIG identified 17 matters that warranted opening an investigation or conducting a closer review. These complaints, which varied in seriousness, included allegations of excessive force against BOP inmates, verbal abuse of inmates, denying inmates access to the law library and telephone calls, unreasonable prison cell searches, and placement in solitary confinement for no apparent reason.

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<sup>6</sup> These complaints generally cite issues that involve other federal agencies, state governments, local law enforcement agencies, or private businesses. Examples include allegations that local law enforcement officers used excessive force or entered a home without a search warrant; allegations of retaliation, unfair labor practices, discrimination, or other civil rights violations by federal agencies outside the DOJ; or allegations of rude treatment by INS or airport inspectors. We refer these complaints to the appropriate entity.

## **B. Section 1001 Cases this Reporting Period**

### **1. Complaints Investigated by the OIG**

#### **a. New matters**

During this reporting period, the OIG opened two new Section 1001-related investigations, continued eight ongoing Section 1001-related cases, and closed four Section 1001 investigations. The two new matters opened by the OIG alleging Section 1001-related civil rights and civil liberties abuses by DOJ employees during this reporting period are:

- The OIG is investigating allegations raised by a Muslim inmate that he was subjected to verbal abuse, discrimination, and anti-Islamic sentiment that has intensified since September 11, 2001. The inmate also complained he was transferred to another BOP facility in retaliation for filing complaints against BOP correctional officers.
- The OIG opened a preliminary inquiry into allegations received from an individual who alleged that he was abused by FBI agents and INS detention officers from his arrest in March 2002 until he was deported in April 2002.

#### **b. Examples of cases opened during the previous reporting periods that the OIG has continued to investigate**

- The OIG is investigating claims by an Egyptian national that the FBI improperly arrested and detained him immediately following the September 11 attacks and that during his detention his civil rights and civil liberties were violated. According to the Egyptian national, while held at a BOP facility he was forced to undergo an invasive body cavity search in the presence of numerous people, including a woman. To date, the OIG interviewed the Egyptian national and approximately 50 BOP employees who had contact with the detainee during his detention.
- The OIG is investigating claims that a BOP correctional officer verbally and physically abused an inmate while he was being transported to the prison's hospital and that the inmate was placed in solitary confinement after the incident. This case has been referred to the Civil Rights Division for prosecutive decision.
- The OIG investigated allegations that FBI agents conducted an illegal search of an Arab-American's apartment and during the search they vandalized the apartment, stole items, and called the complainant a

terrorist. According to the complainant, even though the FBI found no evidence linking him to terrorism, approximately four months later the FBI recruited an acquaintance of his to plant drugs in the complainant's home. FBI agents then arrived at the complainant's home and conducted a consent search and arrested the complainant after finding drugs. During the complainant's interview by the OIG, however, he admitted that the cocaine discovered could have been his and that he did not believe the FBI was involved in planting evidence. The OIG has completed its review of this matter and is drafting its report of investigation.

- The OIG is investigating allegations that Muslim inmates at a BOP facility have been targeted for disciplinary actions and subjected to disparate treatment by correctional officers. Specifically, the complainant alleges that certain members of the facility's staff take retaliatory actions against the Muslim inmates on a regular basis.
- The OIG is investigating allegations that unidentified correctional officers and the warden of a BOP facility threatened to "gas" inmates subsequent to the September 11 attacks. It was further alleged that these unidentified correctional officers and the warden have retaliated against the inmate complainant for making the allegations. The OIG is drafting its report of investigation.
- The OIG is investigating allegations that a detainee was assaulted at an INS contract facility. The detainee was involved in a verbal exchange with a correctional officer and allegedly was struck in the eye, pushed to the floor, and sprayed with pepper spray. The following day, the detainee was taken to a local hospital emergency room for treatment. The detainee suffered a black eye and back pain. The detainee has since been deported from the United States.<sup>7</sup>

### **c. OIG investigations closed during this reporting period**

- The OIG investigated claims that an INS Supervisory Detention Enforcement Officer (SDEO) entered a gas station operated by an Arab-American and demanded paper towels. When the attendant replied that he did not have paper towels, the SDEO displayed his credentials, asked the attendant if he was American, and requested his immigration documents. The investigation also revealed that the SDEO requested a colleague to query an immigration database for information on the attendant. Our investigation concluded that the SDEO improperly displayed his credentials for other than official purposes and

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<sup>7</sup> The OIG began this investigation before INS was moved from the Department to the DHS and retained the matter after the transfer in order to complete the investigation.



inappropriately caused an INS database to be queried. We provided our report of investigation to the DHS for appropriate action.

- The OIG investigated allegations that a BOP correctional officer used excessive force and failed to follow BOP policy in handling and restraining a Muslim inmate when the inmate was removed from his cell to be escorted to the Medical Unit for examination. The investigation did not reveal sufficient evidence to conclude that the correctional officer used excessive force to restrain the inmate. However, the OIG concluded that the correctional officer used poor judgment in handling the inmate and failed to follow BOP policy when the correctional officer immediately entered the inmate's cell and used force to subdue the inmate instead of waiting for assistance and preparing a plan for a safer entry into the cell. The OIG provided its findings to the BOP for appropriate action.
- During the previous reporting period, the OIG opened an investigation based on allegations raised by approximately 20 inmates that a BOP correctional officer verbally abused inmates with ethnic and racial slurs and inappropriate comments. After the BOP facility's investigation concluded that the allegations were unsubstantiated, BOP's Office of Internal Affairs (OIA) referred the matter to the OIG. When the OIG interviewed the correctional officer, he admitted to not being completely candid with the investigators, to verbally abusing the Muslim inmate, and to throwing the inmate's Koran into the trashcan. The OIG provided its findings to the BOP for appropriate action.
- The OIG investigated allegations that an INS detention enforcement officer held a loaded gun to a detainee's head and threatened the detainee while transferring him to another detention facility. The OIG interviewed the detainee and the two detention enforcement officers who were transporting the detainee but could not substantiate the allegations due to conflicting accounts.

## **2. Complaints Referred to Other Components**

During this reporting period, 15 of the 17 complaints were referred to internal affairs offices within DOJ components for investigation or for closer review. One of the 15 complaints was referred to the FBI. The complainant in that matter alleged that he was inappropriately subjected to surveillance by the FBI. The FBI determined that the allegation was without merit and closed the matter.

Fourteen of the 15 complaints were referred to the BOP this reporting period. They included allegations that BOP staff used excessive force and

verbally abused Muslim inmates; ignored requests for medical treatment; executed excessive searches of Muslim inmates' cells because of their religious beliefs; and denied Muslim inmates access to television, radio, books, and newspapers.

The 14 complaints sent to the BOP were designated by the OIG as "Monitored Referrals," which means that the BOP is required at the end of its investigation to send a report of the investigation to the OIG for its review. Of the 14 complaints, the BOP closed five matters during the reporting period, while nine matters remain open. The BOP closed four of the five as unsubstantiated and the fifth because the subject was terminated from his position as a correctional officer during his probationary period.

In our previous Section 1001 report, we described a complaint that was sent to the DEA alleging that DEA agents conducted an illegal search of an Arab-American's home and confiscated the family's passports and personal property, even though nothing illegal was found during the search. DEA OPR conducted an investigation of this matter and determined the allegations were unsubstantiated. The investigation also revealed that the complainant was charged by the DEA in connection with a drug investigation and is currently a fugitive from justice.

### **C. Other OIG Activities Related to Allegations of Civil Rights and Civil Liberties Abuses**

The OIG has conducted activities that go beyond the explicit requirements of Section 1001 in order to more fully implement its civil rights and civil liberties responsibilities. Given the multi-disciplinary nature of its workforce, the OIG can extend its oversight beyond traditional investigations to include evaluations, audits, and special reviews of DOJ programs and personnel. Using this approach, the OIG has conducted several special reviews, including an in-depth inquiry into allegations that aliens detained in connection with the investigation of the September 11 attacks were physically and verbally abused by some correctional officers at the Metropolitan Detention Center in Brooklyn, New York.

#### **1. Supplemental Report on September 11 Detainees' Allegations of Abuse at the Metropolitan Detention Center in Brooklyn, New York**

On December 18, 2003, the OIG issued a report that examined in detail allegations made by detainees held in connection with the Department's terrorism investigation that some correctional staff members at the Metropolitan Detention Center (MDC) physically and verbally abused detainees. The report supplemented a comprehensive review released by the OIG in June 2003 that examined how the Department handled 762 detainees held on

immigration charges in connection with the investigation of the terrorist attacks, including their processing, their bond decisions, the timing of their removal from the United States, their access to counsel, and the conditions of their confinement.<sup>8</sup>

In Chapter 7 of the Detainee Report, the OIG described the treatment of the September 11 detainees at the MDC and concluded that the conditions were excessively restrictive and unduly harsh. We also concluded that evidence showed some MDC correctional officers physically and verbally abused some detainees, particularly during the months immediately following the September 11 attacks. However, we noted in the Detainee Report that while federal prosecutors had declined criminal prosecution in this matter, the OIG's administrative investigation of physical and verbal abuse at the MDC was still ongoing.

The December 2003 Supplemental Report details our findings and conclusions from this supplemental review. We concluded that certain MDC staff members did abuse some of the detainees. We did not find evidence that the detainees were brutally beaten, but we found evidence that some officers slammed and bounced detainees against the wall, twisted their arms and hands in painful ways, stepped on their leg restraint chains, and punished the detainees by keeping them restrained for long periods of time. We concluded that the way these MDC staff members handled detainees was, in many respects, unprofessional, inappropriate, and in violation of BOP policy.

In addition, we found systemic problems in the way detainees were treated at the MDC, including staff members' use of a t-shirt taped to the wall in the facility's receiving area designed to send an inappropriate message to detainees, audio taping of detainees meetings with their attorneys, unnecessary and inappropriate use of strip searches, and banging on detainees' cell doors excessively while they were sleeping.

During our investigation, we examined approximately 30 detainees' allegations of physical and verbal abuse against approximately 20 MDC staff members. In our review of these allegations, we interviewed more than 115 individuals, including detainees, MDC staff members, and others. The staff members primarily were correctional officers who had been assigned to the Administrative Maximum Special Housing Unit or ADMAX SHU, the high-security wing of the MDC that housed the September 11 detainees, or staff members who were involved in escorting the detainees on and off the ADMAX SHU.

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<sup>8</sup> "The September 11 Detainees: A Review of the Treatment of Aliens Held on Immigration Charges in Connection with the Investigation of the September 11 Attacks" ("Detainee Report"), issued June 2, 2003. On June 25, 2003, the Inspector General testified before the U.S. Senate Committee on the Judiciary regarding the Detainee Report.

We also reviewed MDC videotapes, including hundreds of tapes showing detainees being moved around the facility and tapes from cameras in detainees' cells. During the course of our investigation, MDC officials repeatedly told us that videotapes of general detainee movements no longer existed. That information was inaccurate. In late August 2003, the OIG discovered more than 300 videotapes at the MDC spanning the period from October through November 2001.

The OIG developed evidence that approximately 16 to 20 MDC staff members, most of whom were assigned to the ADMAX SHU, violated BOP policy by physically or verbally abusing detainees. We considered "physical abuse" to be the handling of the detainees in ways that physically hurt or injured them without serving any correctional purpose. Similarly, we considered "verbal abuse" to be insults, coarse language, and threats to physically harm or inappropriately punish detainees, all of which violate BOP policies.

For example, the videotapes showed compliant detainees being slammed or rammed against the wall, pressed by their heads or necks, and having their fingers or hands twisted, despite officers' denials that this ever occurred and despite statements by senior BOP officials that such actions were not appropriate. The videotapes also confirm that officers placed detainees against an American flag t-shirt with the phrase "These colors don't run," which was taped to the wall in the sally port area where detainees first arrived at the MDC. This t-shirt remained in place for many months, despite officers' denials of its existence or claims that it was removed after a short period of time.

Moreover, the videotapes showed that some MDC staff members misused strip searches and restraints to punish detainees and revealed that officers improperly recorded detainees' meetings with their attorneys.

We provided the results of our investigation to managers at BOP Headquarters for their review and appropriate disciplinary action. In the report to the BOP, we included an Appendix identifying current and former staff members who we believe committed misconduct, and we describe the specific evidence against them. In the Appendix, we also described allegations against specific officers that we did not substantiate. It is important to note that these allegations were not against all staff members at the MDC, and that many MDC officers performed their duties in a professional manner under difficult circumstances in the aftermath of the September 11 terrorist attacks.

In the Appendix (which was not released publicly because of privacy interests and the ongoing consideration of discipline against specific officers), we recommend that the BOP take disciplinary action against 10 current BOP employees, counsel 2 current MDC employees, and inform employers of 4 former MDC staff members about our findings against them.

In the report, we made seven recommendations to the BOP, ranging from developing guidance to train correctional officers in appropriate restraint techniques to educating BOP staff concerning the impropriety of audio recording meetings between inmates and their attorneys.

## **2. Analysis of Responses to Recommendations in Detainee Report**

In Chapter 9 of the Detainee Report, the OIG made 21 recommendations related to issues under the jurisdiction of the FBI, the BOP, leadership offices at the DOJ, as well as immigration issues now under the jurisdiction of DHS. During the reporting period, the OIG analyzed two sets of responses from the Department to our recommendations in the Detainee Report and one set from the DHS.

The OIG received written responses to the 21 recommendations from the Deputy Attorney General on behalf of the DOJ on July 21, 2003, and from the Under Secretary for Border and Transportation Security on behalf of the DHS on August 4, 2003. On September 5, 2003, we issued an analysis of the responses of both the DOJ and the DHS. The OIG's analysis concluded that both agencies appeared to be taking the recommendations seriously and were taking steps to address many of the concerns raised by the Detainee Report. The OIG's analysis concluded, however, that many of the recommendations were not addressed with sufficient specificity and significant work remained before the recommendations were fully implemented. For several of the recommendations, the OIG requested additional information regarding the DOJ's proposed action to address the recommendations.

On November 20, 2003, the DOJ submitted to the OIG a second response to the recommendations that related to issues under the DOJ's jurisdiction. The DOJ's second response provided additional information and an update on the steps that the DOJ and its components were taking to implement the OIG's recommendations. The second response also included three attachments from the BOP describing policies it had adopted to address the OIG's recommendations.

The OIG analyzed the DOJ's second response and in a report issued on January 6, 2004, concluded that the DOJ has taken significant and responsible steps to implement the OIG's recommendations. For example:

- The OIG had recommended that the FBI develop clearer and more objective criteria to guide its classification decisions in future cases involving mass arrests of illegal aliens in connection with terrorism investigations. The DOJ's second response described how decisions will be made to determine whether someone is "of interest" to the FBI, and

also described a protocol on how that decision will be made. In making its initial decision, the FBI stated that it will rely on information from a variety of sources, including the Terrorist Threat Integration Center and the Terrorist Screening Center.

- The OIG had recommended that the FBI should provide the DHS and BOP with a written assessment of an alien's likely association with terrorism shortly after an arrest, preferably within 24 hours. The DOJ agreed with our recommendation to provide an assessment of an alien's suspected association with terrorism "as expeditiously as possible." It stated that it may not be possible to do so within 24 hours in all cases, but said if the initial statement of interest is oral, the FBI will provide a written statement as soon as possible thereafter.
- Given the highly restrictive conditions under which the BOP housed some of its September 11 detainees, and the slow pace of the FBI's clearance process, we had recommended that the BOP consider requiring written assessments from immigration authorities and the FBI prior to placing aliens arrested solely on immigration charges into highly restrictive conditions of confinement. Absent such a particularized assessment from the FBI and immigration authorities, we recommended that the BOP apply its traditional inmate classification procedures to determine the level of secure confinement required by each detainee. The DOJ response stated that the FBI will provide either a verbal or written statement to the BOP and DHS as to their interest in a detainee. The response further provided that in the absence of this statement, the BOP will apply its traditional inmate classification procedures to determine the level of secure confinement required by each detainee.
- The OIG had recommended that the BOP issue new procedures requiring that videotapes of detainees with alleged ties to terrorism who are housed in high security areas be retained for longer than the 30 days that was required at the time our Detainee Report was issued. The DOJ response described a new BOP policy that requires staff to retain for six months videotapes that depict routine inmate movements outside cells and BOP officers' entrances into the cells of inmates who are confined pursuant to national emergencies.

Because immigration enforcement responsibilities have been transferred from the DOJ to the DHS, the DHS OIG is now responsible for monitoring the DHS's implementation of the recommendations contained in the Detainee Report relating to immigration issues.

### **3. Review of the BOP's Process for Selecting Muslim Clerics**

The OIG is examining the procedures used by the BOP to select Muslim personnel, contractors, and volunteers who provide religious services to inmates. We initiated this review in response to a request from a U.S. Senator expressing concern that the BOP relies solely on two organizations that allegedly have connections to terrorism to endorse Muslim cleric candidates as qualified religious leaders. The OIG review is examining whether the BOP's process for selecting Muslim religious service providers effectively screens candidates to ensure that extremist groups do not become religious service providers in the BOP.

### **4. Review of the FBI's Implementation of Attorney General Guidelines**

In May 2002, the Attorney General issued revised domestic Guidelines that govern general crimes and criminal intelligence investigations. In May 2003, approximately one year after the revised Guidelines had been in effect, the OIG began a review of the FBI's implementation of the four sets of Guidelines: Attorney General's Guidelines Regarding the Use of Confidential Informants; Attorney General's Guidelines on FBI Undercover Operations; Attorney General's Guidelines on General Crimes, Racketeering Enterprise and Terrorism Enterprise Investigations; and Revised Department of Justice Procedures for Lawful, Warrantless Monitoring of Verbal Communications.

The objectives of the OIG review are to determine what steps the FBI has taken to implement the Guidelines, examine how effective those steps have been, and assess the FBI's compliance with key provisions of the Guidelines. Because the FBI's adherence to these Guidelines could implicate civil rights or civil liberties issues under Section 1001, we are including a description of this review in our report.

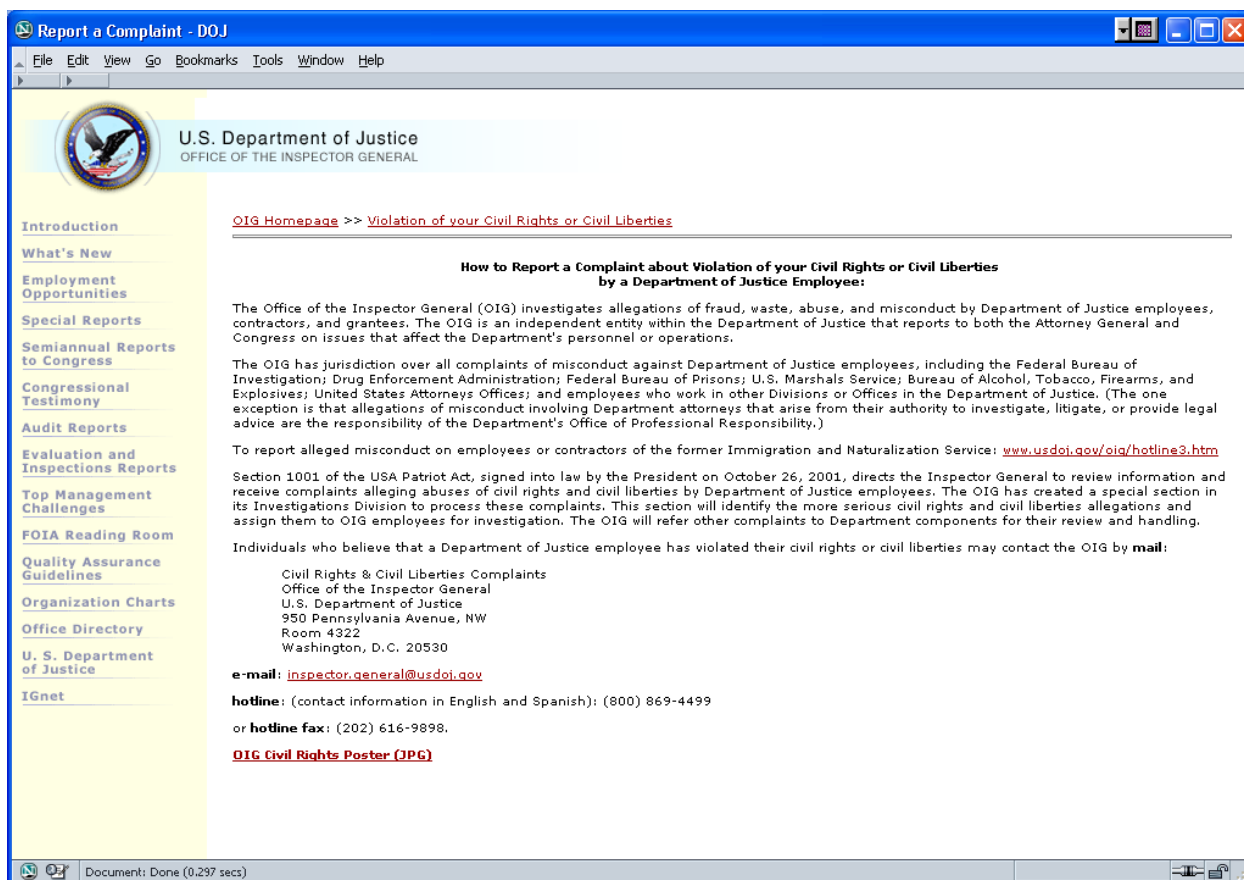
## **IV. ADVERTISING RESPONSIBILITIES**

*Make public through the Internet, radio, television, and newspaper advertisements information on the responsibilities and functions of, and how to contact, the official.*

The OIG continues to meet its Section 1001 advertising requirements in a variety of ways.

## A. Internet

The OIG's website contains information about how individuals can report violations of their civil rights or civil liberties. The OIG also continues to promote an e-mail address – [inspector.general@usdoj.gov](mailto:inspector.general@usdoj.gov) – where individuals can send complaints of civil rights and civil liberties violations.



The OIG previously developed a poster, translated in Arabic, that explains how to file a civil rights or civil liberties complaint with the OIG. An electronic version of this poster is available on our website.

The DOJ's main Internet homepage contains a link that provides a variety of options for reporting civil rights and civil liberties violations to the OIG. The Civil Rights Division's website also describes the OIG's role in investigating allegations of misconduct by DOJ employees and provides information on how to file a complaint with the OIG.

In addition, several minority and ethnic organizations have added information to their websites about how to contact the OIG with civil rights and civil liberties complaints. For example, the Arab American Institute



(www.aaiusa.org), an organization that represents Arab Americans' interests and provides community services, added the OIG's Section 1001 poster to its website of information and resources for the Arab American community. The Institute also has informed its members and affiliates of the OIG's Section 1001 responsibilities through its weekly e-mail newsletter. Similarly, the American-Arab Anti-Discrimination Committee (ADC), one of the largest Arab American organizations in the nation, has posted the OIG's contact information and Section 1001 responsibilities on its website, which at one time averaged more than 1 million hits per month. The ADC also has published the OIG's Section 1001 responsibilities in its magazine, the *ADC Times*, which is circulated to more than 20,000 people. Furthermore, the OIG's Arabic poster and Section 1001 responsibilities have been disseminated electronically by the Council on American Islamic Relations LISTERV and the National Association of Muslim Lawyers LISTSERV.

## **B. Television**

During this reporting period, the OIG arranged to have the following television advertisement aired with the text spoken in Arabic and scrolled in English:

*The Office of the Inspector General investigates allegations of civil rights and civil liberties abuses by U.S. Department of Justice employees. If you believe a Department of Justice employee has violated your civil rights or civil liberties, contact the Inspector General at 800-869-4499. That number again is 800-869-4499.*

The OIG purchased blocks of time on ANA Television Network, Inc., an Arab cable television station with outlets around the country. According to the promotional materials, ANA Television Network is the largest Arab-American television network in the country and broadcasts news and entertainment 24 hours a day. The segment was aired 48 times, during prime time, from June 5, 2003, through July 22, 2003.

## **C. Radio**

During the reporting period, the OIG submitted public service announcements to 45 radio stations in cities across the country, including New York, Los Angeles, Sacramento, Chicago, Detroit, Houston, Dallas, and Washington, D.C. The text of the PSA read:

*The Office of the Inspector General investigates allegations of civil rights and civil liberties abuses by U.S. Department of Justice employees. If you believe a Department of Justice employee has violated your civil rights or civil liberties, contact the Inspector General at 800-869-4499.*

We also purchased airtime for 44 radio advertisements on Arab/Muslim American radio stations in New York, Chicago, Los Angeles, Detroit, and Dallas. These advertisements, which ran in late 2003, were 60 seconds long and included the same script listed above both in English and Arabic.

**D. Posters**

Previously, the OIG disseminated approximately 2,500 Section 1001 posters to more than 150 organizations in 50 cities. The posters, in English and Arabic, explain how to contact the OIG to report civil rights and civil liberties abuses.

In an earlier reporting period, we also provided the posters to the BOP, which has placed at least two in each of its facilities. In addition, we had provided approximately 400 posters to INS officials prior to the agency's transfer from the DOJ for distribution to its offices across the country. If the posters generate complaints about immigration officials, as of March 1, 2003, we have forwarded these allegations to the DHS OIG.

**REPORT**  
**Civil Rights & Civil Liberties Abuses**

**بلغوا عن اي إنتهاك للحقوق  
او للحريات المدنية**

يتروم مكتب المفتش العام اتالي لوزارة العدل الأمريكية بالتحقيق في أية إتهامات حول إنتهاكات للحقوق والحريات المدنية على أيدي موظفين من مكتب التحقيقات الفدرالي (FBI)، وكالة مكافحة المخدرات، دائرة الهجرة والجنس (INS)، مكتب السجون الفدرالي، مكتب الطوارئ، الأمريكي، مكاتب المدعين العامين، وجميع الوكالات الأخرى التابعة لوزارة العدل. إذا كنت تعتقد بأن أحد موظفي وزارة العدل قد أهدم على إنتهاك حقوقك أو حرياتك المدنية، بإمكانك أن تتقدم بشكوى لدى مكتب المفتش العام، بواسطة البريد على العنوان التالي:

**Civil Rights & Civil Liberties Complaints**  
Office of the Inspector General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Room 4706  
Washington, D.C. 20530

بريد الإلكتروني  
inspector.general@usdoj.gov

أو الفاكس (202) 616-9898

لمزيد من المعلومات إتصلوا بمكتب المفتش العام على  
الخط الساخن المجاني (800) 869-4499

The Office of the Inspector General (OIG),  
U.S. Department of Justice, investigates  
allegations of civil rights and civil liberties  
abuses by employees in the FBI, DEA, INS,  
Federal Bureau of Prisons, U.S. Marshals  
Service, U.S. Attorneys Offices, and all other  
Department of Justice agencies.

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visit the OIG's website at [www.usdoj.gov/oig](http://www.usdoj.gov/oig)*

**inspector.general@usdoj.gov**  
**(800) 869-4499** **www.usdoj.gov/oig**

## E. Newspapers

The OIG is making arrangements to purchase a second round of advertisements in one newspaper highlighting its role in investigating allegations of civil rights and civil liberties abuses. This time, the display

advertisements will be placed in an Arab community newspaper. Advertisements will appear both in English and Arabic.

**F. Flyers**

With the assistance of the FBI's Language Services Department, the OIG developed flyers in Urdu and Punjabi, which after Arabic are the two most commonly spoken Arab languages. Flyers also were translated into Spanish and Vietnamese, and the FBI is preparing a translation into Indonesian. These flyers will be distributed to organizations that work with the respective communities to inform them of the OIG's Section 1001 responsibilities. In addition, we intend to provide all the flyers to the BOP and request that they be made available to incoming inmates in their native languages.

# ਰਿਪੋਰਟ ਸ਼ਕਸੀ ਅਜ਼ਾਦੀ ਦੇ ਵਿਰੁਧ ਵਿਤਕੇ।

## REPORT

## CIVIL RIGHTS & CIVIL LIBERTIES ABUSES

ਅਮਰੀਕਾ ਦਾ ਇਨਸਾਫ਼ ਵਿਭਾਗ ਅਤੇ ਇੰਸਪੈਕਟਰ ਜਨਰਲ ਦਾ ਦਫ਼ਤਰ (OIG) ਲੋਕਾਂ ਦੇ ਮਾਨਵ ਅਧਿਕਾਰ ਅਤੇ ਮਾਨਵ ਅਧਿਕਾਰ ਉਤੇ ਕੀਤੀਆ ਗਈਆ ਬੇਇਨਸਾਫ਼ੀਆ ਦੀ ਤਹਕੀਕਾਤ ਕਰਦਾ ਹੈ। ਇਨਾ ਬੇਇਨਸਾਫ਼ੀਆ ਦਾ ਤਹਕੀਕਾਤ ਇਨਸਾਫ਼ ਵਿਭਾਗ, ਐ.ਬੀ.ਆਈ. , ਡੀ.ਈ.ਅ. ਉਤੇ ਆਈ. ਐਨ. ਐਸ. ਫੈਡਰਲ ਜੇਲ ਵਿਭਾਗ, ਅਮਰੀਕਾ ਦੀ ਮਾਰਸ਼ਲ ਸੇਵਾ, ਅਮਰੀਕਨ ਵਕਾਲਤ ਦੇ ਦਫ਼ਤਰ ਅਤੇ ਹੋਰ ਸਾਰੇ ਇਨਸਾਫ਼ ਵਿਭਾਗਾਂ ਦੇ ਮੁਲਾਜ਼ਮਾਂ ਅਤੇ ਅਧਿਕਾਰੀਆਂ ਦੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ।

ਅਗਰ ਤੁਹਾਨੂੰ ਯਕੀਨ ਹੈ ਕੀ ਤੁਹਾਡੇ ਨਾਲ ਕਿਸੀ ਇਨਸਾਫ਼ ਵਿਭਾਗ ਦੇ ਮੁਲਾਜ਼ਮ ਨੇ ਬੇਇਨਸਾਫ਼ੀ ਕੀਤੀ ਹੈ, ਤੁਸੀ ਅਪਨੀ ਸ਼ਿਕਾਯਤ ਉ. ਆਈ. ਜੀ. ਦੇ ਦਫ਼ਤਰ ਨੂੰ ਇਸ ਪਤੇ ਤੇ ਭੇਜੋ।

### ਚਿਠੀ ਭੇਜਣ ਦਾ ਪਤਾ

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## **V. ADDITIONAL OUTREACH AND TRAINING EFFORT**

In addition to media advertisements, the OIG is reaching out in other ways to educate the public and its own employees about its Section 1001 responsibilities. For example, on June 26, 2003, an OIG Special Agent in Charge attended training sponsored by the DOJ's Community Relations Service entitled "*Building Cultural Competency: Arab, Muslim and Sikh Americans.*" This day-long program was designed to assist the attendees to understand cultural issues relating to the Arab, Muslim, and Sikh communities in the United States and to provide guidance for training others.

We are also developing a guide in question/answer format to assist individuals in understanding the OIG's Section 1001 responsibilities, our jurisdiction, and how to make a complaint. This guide will be posted on the OIG's website.

## **VI. EXPENSE OF IMPLEMENTING SECTION 1001**

*Submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on a semi-annual basis a report...including a description of the use of funds appropriations used to carry out this subsection.*

During this reporting period, the OIG spent approximately \$415,000 in personnel costs, \$13,400 in travel costs, and \$8,000 in advertising and publication costs, for a total of more than \$436,500 to implement its responsibilities under Section 1001. The personnel and travel costs reflect the time and funds spent by OIG Special Agents, inspectors, and attorneys who have worked directly on investigating Section 1001-related complaints and special reviews.