



U.S. Department of Justice

Federal Bureau of Prisons

Washington, DC 20534

June 18, 2019

Donald Isaac, Executive Director
DC Corrections Information Council
441 4th Street, NW
Suite 270N
Washington, DC 20001

Dear Mr. Issac:

This letter is in response to the draft inspection report received on April 26, 2019, regarding the July 20, 2017, visit to the Federal Correctional Institution (FCI) McKean. The Bureau of Prisons (Bureau) recognizes the value of the Corrections Information Council (CIC) inspections of its facilities and the voice it provides the D.C. Superior Court inmates. We hope to continue working closely to improve the Bureau facilities and raise awareness with regard to those inmates' needs. I offer the following response to the questions and/or statements in the report:

Throughout the report, unsubstantiated allegations are made without direct observation by the CIC or supported by facts that can be corroborated. The Bureau notes the draft report findings are based on a small percentage of DC inmates assigned to FCI McKean. The Bureau is committed to ensuring the safety and security of our staff, the public and all inmates in our population. Allegations of misconduct are thoroughly investigated and based on the findings, appropriate action is taken, if necessary.

I offer the following responses to the statements and recommendations in the report:

The draft report states: Five DC inmates surveyed reported they have been in the SHU at FCI McKean between one to three times. Of those five individuals, three had been in SHU less than one month, and two had been in SHU between one to three months. One individual who had been in the SHU at FCI McKean reported his cell was freezing when he was in the SHU during the winter.

Response: In order to adequately address concerns regarding inmates' SHU placement, additional and specific information is needed to properly review the concern. Generally speaking, the temperature in BOP facilities is governed by Program Statement 4200.12, Facilities

Operations Manual, Chapter 16, Section 4.

The draft report states: Two of the nine survey respondents reported being either very satisfied or satisfied with the recreation programs at FCI McKean, while seven reported being unsatisfied or very unsatisfied.

Response: At FCI McKean, we strive to enhance the inmates experience by considering their suggestions and opinions. We routinely send out surveys on TRULINCS requesting their response in regard to new equipment, musical instruments, fitness classes and special events for holiday tournaments. Most recently, we purchased several new elliptical, stair-masters, and spin bikes to encourage the use and participation in aerobic activity. We offer several wellness classes. We also show movies each weekend based on feedback and recommendations from the inmate population. At any time recreation has an open door policy for inmates to come and speak to staff about ideas, concerns and complaints. We always consider each suggestion but must follow policy and guidelines at all times.

The draft report states: In response to the CIC survey, four DC inmates reported having problems sending or receiving legal mail at FCI McKean within the last six months. One DC inmate commented that his legal mail is always opened before he receives it.

Response: Program Statement 5800.16, Mail Management Manual, Chapter 3.8, addresses requirements to process incoming mail labeled "Special Mail/Legal Mail. Program Statement 5265.14, Correspondence, Section 10, also addresses Special Mail Criteria and handling. Mail Room staff utilize these policies to determine if a piece of mail is to be considered Special Mail. The mail room is open from 11:00 a.m. -12:00 p.m. daily, excluding weekends and holidays, for inmates to send Special/Legal Mail. Mail room staff also address inmate questions or concerns at this time.

The draft report states: In response to the CIC survey, the most common type of visitation problem for DC inmates was the distance for visitors. Two individuals reported family members were turned away after traveling from DC.

Response: Additional and specific information is needed to adequately address the concern raised about visitors being turned away after traveling from Washington, DC.

The draft report states: All nine respondents to the CIC's survey said that they were "unsatisfied" or "very unsatisfied" with both the quantity and quality of meals. Three DC inmates said that meals are poorly prepared. An individual also reported that 20 minutes was not enough time to finish his meal and he feels "rushed to eat like an animal."

Response: The Bureau of Prisons adheres to a national food menu for all BOP facilities. The Food service Administrator and Assistant Food Service Administrator inspect and ensure portion control abides by the national menu, which is developed and analyzed by a certified dietician. Inmates are allotted time for meal consumption in accordance to American Correctional Association (ACA) standards.

The draft report states: Ensure adequate ventilation in SHU and install a heating system to guarantee appropriate temperatures in cells. Increase quality and size of meals. Guarantee the presence of a BOP cook supervisor when more than one inmate is working in the locked food prep or attached food prep fridge space.

Response: The temperature in BOP facilities is governed by Program Statement 4200.12, Facilities Operations Manual, Chapter 16, Section 4. Due the age of the cooling and heating systems and the inability to control temperatures in individual spaces, occupants may experience a range of temperatures in their space. If an inmate complaint is made about the temperature of their living space, the appropriate staff evaluates the actual cell temperature. If areas are found to be at or below set point, adjustments are made to increase the occupant comfort level.

As required by Program Statement 1600.11, National Occupational Safety and Health Policy, a ventilation survey was conducted in inmate cells/rooms, officer stations, and dining areas to ensure at least 10 cubic feet of fresh or recirculated air per minute per person is provided.

The Bureau of Prisons adheres to a national food menu for all BOP facilities. The Food service Administrator and Assistant Food Service Administrator inspect and ensure portion control abides by the national menu, which is developed and analyzed by a certified dietician. Only one inmate is placed a locked food prep area or attached food prep fridge space, unless a cook supervisor is present.

The draft report states: In response to the CIC's survey, nine out of ten individuals reported being very unsatisfied or unsatisfied with the commissary at FCI McKean. Three individuals expressed concern about the high prices and limited options, and others expressed that inmate input was not considered in deciding commissary items.

Response: Trust fund staff at FCI McKean are researching vendors for pricing options. When possible, the purchase of generic and off name brands is used. The sales price of items in the commissary is automatically calculated through TRUFACS, based on the actual cost and mark-up of the item. A meeting is held on a bi-annual basis with the Warden and designated staff to determine the items that will be available for purchase.

The draft report states: The four DC inmates who reporting using mental health services, reported varied satisfaction with the quality of mental health services (Figure 5.1). Regarding wait times, all four DC inmates noted they were "unsatisfied" or "very unsatisfied" (Figure 5.2). Three respondents stated they did not have adequate access to mental health services, while six individuals reported not requiring mental health services.

Response: Inmate requests for services are responded to immediately for crisis situations or potential suicide risk and ordinarily within a few working days for routine requests. Responses for routine requests may include an appointment, an invitation to the department's open house hours, placement on a waiting list for the desired services, clarification, or redirection. All inmates have access to submit written requests via electronic copout. Psychology Services' Open House hours are provided so that inmates consistently have access to mental health services. The methods of availability of mental health services are clearly outlined in the Admission and Orientation Handbook that each inmate receives upon arrival to FCI McKean,

and are also presented during institutional orientation classes.

The draft report states: DC inmates were divided on their satisfaction with quality of medical care, and wait times for medical care.

Response: FCI McKean is a care level one institution, which provides essential medical services to all inmates in a manner consistent with accepted community standards for a correctional environment.

The draft report states: Out of the 10 respondents surveyed at FCI McKean, five stated that they received a mental health evaluation upon arriving at FCI McKean. When asked to describe the evaluation, several DC inmates reported having a conversation with Psychology Staff for a couple of minutes. Most individuals did not perceive the conversation to be an evaluation. One DC inmate reported having his mental health diagnosis change upon arriving at FCI McKean. Of particular concern, all ten DC inmates surveyed reported not knowing their designated Mental Health Care Level.

Response: All inmates who arrive to FCI McKean immediately complete a Psychology Services Inmate Questionnaire form in the Receiving Department. Newly designated inmates that require a full intake screening upon arrival to FCI McKean are seen by a Psychologist within 14 days for intake completion, often within the first few days of their arrival. Inmates who transfer from other institutions which are required to be seen for transfer intake screenings are seen by a Psychologist within 30 days for intake completion, often within the first few days of their arrival. FCI McKean is designated as a Mental Health Care Level 1 institution. However, inmates who have increased Mental Health Care Level assignments are seen for Diagnostic and Care Level Formulation evaluation purposes, and individualized treatment plans are created with their collaboration.

The draft report states: One DC inmate noted that they were “satisfied” or “very satisfied” with the quality of dental services. Regarding wait times, five DC inmates noted they were “unsatisfied” or “very unsatisfied” with wait times for dental services.

Response: The Bureau of Prisons (BOP) offers a full range of dental care to inmates including prevention, diagnosis and treatment of diseases, injury, or other oral care issues. Inmates entering the BOP are provided a dental assessment during the intake process. Inmates can submit requests for routine care (e.g., hygiene, fillings, and prosthetics) and have access to urgent care needs. Inmates must be on the waiting list for care, and care will be provided in chronological order.

The draft report states: Of particular concern, seven DC inmates surveyed reported not knowing their designated Medical Health Care Level. Out of the 10 respondents surveyed at FCI McKean, two DC inmates reported being on the chronic care caseload. A majority of respondents reported normally having access to sick call slips.

Response: Inmates may inquire with their health care provider about the status of their medical care level.

The draft report states: In the past 12 months a total of 16 inmates at FCI McKean completed the GED program, 14 in English and 2 in Spanish. Staff reported that they were working to get accommodations for the ten inmates with educational disabilities. Currently, there is no staff member who speaks Spanish fluently; staff reported that the current GED instructor receives assistance from Spanish-speaking inmates who help translate GED instruction for their fellow inmates.

Response: If necessary, and for instructional purposes, FCI McKean has three fluent Spanish-speaking staff available during programming hours.

The draft report states: Although response numbers for mental health treatment and programs were small, the CIC recommends that the facility regularly evaluate wait times for inmate receipt of services and access to recovery programs.

Response: All inmates who arrive to FCI McKean immediately complete a Psychology Services Inmate Questionnaire form in the Receiving Department. Newly designated inmates that require a full intake screening upon arrival to FCI McKean are seen by a Psychologist within 14 days for intake completion, often within the first few days of their arrival. Inmates who transfer from other institutions which are required to be seen for transfer intake screenings are seen by a Psychologist within 30 days for intake completion, often within the first few days of their arrival. FCI McKean is designated as a Mental Health Care Level 1 institution. However, inmates who have increased Mental Health Care Level assignments are seen for Diagnostic and Care Level Formulation evaluation purposes, and individualized treatment plans are created with their collaboration.

The draft report states: Six of nine inmates surveyed reported knowing at least one method for reporting sexual abuse and/or harassment. Three inmates reported that they were not informed how to report such issues.

Response: There are several ways an inmate can report sexually abusive behavior. All inmates attend Admission & Orientation (A&O) which, addresses, "Sexually Abusive Behavior Prevention and Intervention: An Overview for Offenders." Inmates are provided with the contact information for the Regional PREA Coordinator, Office of the Inspector General Investigations Division, and third-party reporting information offices within their A&O Handbook. They may also notify staff of any allegations of sexual abuse. Additionally, inmates may forward allegations of sexual abuse to the Department of Justice (DOJ) Sexual Abuse Reporting via electronic messaging through the Trust Fund Limited Computer System (TRULINCS).

The draft report states: The CIC asked DC inmates about the fairness of disciplinary decisions by the UDC and DHO. Three DC inmates reported having no meaningful opportunity to challenge incident reports. Examples included no investigations and being denied an opportunity to bring a witness to testify on the inmate's behalf.

Response: Inmates may challenge all decisions made by the Discipline Hearing Officer within 20 calendar days of receiving their DHO report. The following phrase is in Section 8 of every DHO report: "The inmate has been advised of the findings, specific evidence relied on, action

and reasons for the action. The inmate has been advised of his right to appeal this action within 20 calendar days under the Administrative Remedy Procedure. A copy of this report has been given to the inmate."

Inmates file a BP-10 that is readily accessible to them during open house hours from their unit team on Monday through Friday. The DHO is an independent fact finder that is not employed by the institution; he or she is employed by the Regional Office. The decision of the DHO can be overturned by the Regional Director. The Discipline Hearing Administrator and their team examine all appeals. If the inmate does not achieve the desired outcome, he or she may appeal to the Central Office by filling out a BP-11. The Director of the Federal Bureau of Prisons is the final reviewing authority.

An inmate may request a witness for Greatest and High severity incident reports by requesting one during his UDC hearing. The UDC forwards the BP-294 form to the DHO for the hearing. The DHO must call that witness if the inmate requested them. If the DHO does not call the witness, he or she must document in the report why the witness was excluded. If the reason is not adequate, the reviewing authority can order a new hearing or expunge the report.

All incident reports are investigated by a Lieutenant or other supervisory official who is certified to conduct investigations. They gather all documentation, gather evidence, and interview witnesses. They interview the accused inmate and get a statement if the inmate chooses to give one. This is all documented on page 2 of the incident report.

Inmates may also request a staff representative to help them prepare a defense.

UDC and DHO hearings are subject to Procedural Due Process. Inmates have the right to be notified of the charges and have time to prepare a defense. They have a right to staff representatives and witnesses for Greatest and High severity offenses. They must be given a copy of the report within 24 hours of staff becoming aware of an alleged violation. Inmates have a right to remain silent or make a statement. They have a right to be present throughout the disciplinary process except for deliberation. They have the right to be advised in writing of the decision and the facts supporting that decision. Inmates have the right to appeal the decision through the Administrative Remedy Process. They sign a BP-293 acknowledging they understand these rights.

Hearings are based on facts. If an inmate admits to the charge, the fact finder must still rely on some facts. If an inmate denies the charge, the fact finder must rely on the greater weight of evidence. The evidence relied upon is clearly listed in the DHO or UDC report and issued to the inmate.

The draft report states: Provide staff regular training on diversity and professionalism.

Response: Human Resources provides training to all staff during Annual Training and to all new staff during the Introduction to Correctional Techniques Phase I.

The draft report states: In response to the CIC survey, five DC inmates reported not having

access to informal complaints, and six reported not having access to administrative remedies.

Response: The Administrative Remedy Program, also known as the grievance process, allows inmates to seek formal review of issues related to their confinement. An inmate must first attempt to informally resolve the issue before filing a grievance. The process provides three levels of formal review: the Facility (BP-9), the Regional Office (BP-10), and the Central Office (BP-11). If an inmate is not satisfied with the response, he or she may appeal it at the next level. The Administrative Remedy process is discussed during Admission and Orientation.

The draft report states: Only one DC inmate surveyed reported knowing how to obtain housing, education, employment, therapy, drug treatment and food. Three DC inmates reported knowing how to obtain their state IDs. One individual commented that reentry services at FCI McKean did not focus on services available back in DC and the topics discussed were not helpful for successful reentry back home.

Response: FCI McKean operates a Reentry Center where reentry resources and programs are available to all FCI inmates Monday through Friday. The Reentry Affairs Coordinator (RAC) makes herself available daily to any inmate seeking information pertaining to their release at mainline and in the Reentry Center. In addition, any inmate can initiate contact with the RAC through the inmate email system. DC inmates releasing within 90 days are afforded the opportunity to participate in CSOSA video-conferences quarterly in the Reentry Center. This event is coordinated and supervised by the RAC.

Inmates confined at the SCP can speak with the RAC regarding their reentry questions, concerns and requests at the weekly Reentry Open House, mainline, or through inmate email.

The draft report states: As of the date of the inspection, FCI McKean does not use the newly released standardized and national Release Preparation Program (RPP) curriculum released by BOP Central Office, though staff indicated they plan to consider the curriculum for the next fiscal year. Instead, FCI McKean prepares inmates for release through their own RPP, which is administered by the case manager coordinator. Inmates teach parts of the program.

Response: FCI McKean continues to offer inmates the opportunity to participate in their own Release Preparation Program (RPP) administered by the Case Management Coordinator. Some classes offered through RPP are instructed by inmates. The Life Coaching program offered through the Institute for Life Coach Training is available to inmates. On a quarterly basis, inmates within 90 days of release to Washington, DC, are offered the opportunity to participate in CSOSA's quarterly video-conference.

I appreciate the opportunity to review and provide comments to your inspection report of FCI McKean.

Please contact me at (202) 353-3638 if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "David Brewer". The signature is fluid and cursive, with a large initial "D" and "B".

David Brewer, Administrator
Correctional Programs Branch