

District of Columbia
Corrections Information Council



USP Victorville

Inspection Report



July 5, 2022

District of Columbia Corrections Information Council

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About the District of Columbia Corrections Information Council

The District of Columbia Corrections Information Council (CIC) is an independent oversight body mandated by the United States Congress and the Council of the District of Columbia to inspect, monitor, and report on the conditions of confinement in correctional facilities where inmates from the District of Columbia are incarcerated. This includes facilities operated by the Federal Bureau of Prisons (BOP), the District of Columbia Department of Corrections (DOC), and private contractors.

The CIC reports its observations and recommendations to the District of Columbia Representative in the United States Congress, the Mayor of the District of Columbia, the Council of the District of Columbia, the District of Columbia Deputy Mayor for Public Safety and Justice, the Director of the BOP, the Director of the DOC, and the community.

Although the CIC does not handle individual complaints or provide legal representation or advice, individuals are encouraged to contact the CIC. Reports, concerns, and general information from incarcerated DC residents and the public are very important to the CIC, and they greatly inform our inspection schedule, recommendations, and reports. However, unless expressly permitted by the individuals or required by law, names and identifying information of inmates, corrections staff not in leadership, and members of the public will be kept anonymous and confidential.

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Table of Contents

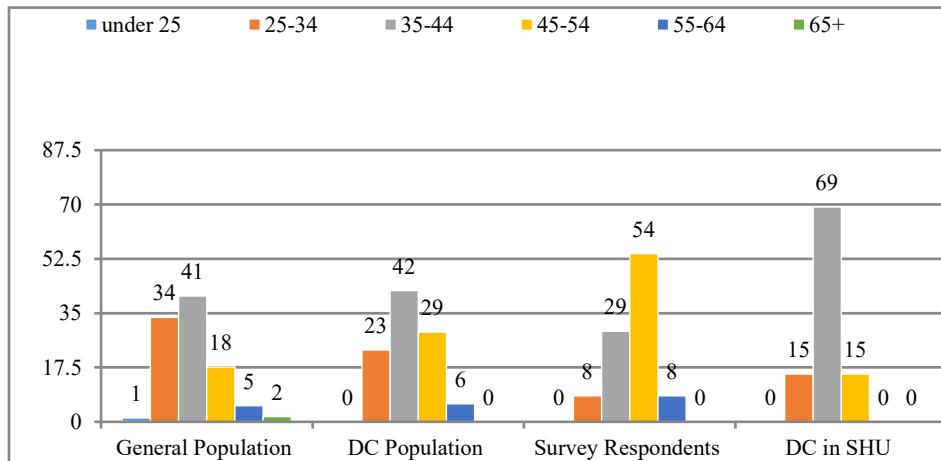
Facility Profile	4
I. Introduction	5
II. Recommendations	5
III. Programming	6
IV. Medical Care	11
V. Mental Health Care	13
VI. Grievance and Disciplinary Processes.....	14
VII. Safety and Security.....	17
VIII. Conclusion.....	18
Appendix A: Methodology	20

Facility Profile

Dates of Inspection: September 15-16, 2021
Location: Victorville, California
Distance from DC: 2,593 miles
Year of Opening: 2004
Security level: High

Rated Capacity: 1,500
Total Population: 1,009
Staff to Offender ratio: 1 for every 3.1 inmates
DC Code offenders: 52
CIC Survey Respondents: 25

Age of Population, DC Population, Survey Respondents, and DC in SHU



I. Introduction

USP Victorville is a maximum-security penitentiary on the grounds of the Victorville Correctional Complex, in Adelanto, CA. The complex also contains two medium security correctional institutions, a minimum-security satellite camp, and a central administration building. The population at USP Victorville is housed in 12 General Population units with 64 double-bunked cells per unit and one Special Housing Unit.¹ Two of the housing units at the USP are classified as holdover units for people transitioning from one facility to another.

The CIC conducted a tour of USP Victorville on September 14, 2021. Fifty-two residents at the facility are DC Code offenders. The CIC surveyed and interviewed 25 of the DC Code offenders on September 14-15, 2021. At the time of the visit, 13 of the DC individuals were in the SHU, but only one spoke with the CIC.

II. Recommendations

The CIC makes the following recommendations to the BOP regarding resident concerns:

- 1) Fill educational staff vacancies and assess the need for special education services if residents have not obtained a GED.
- 2) Offer more employment opportunities to DC Code offenders.
- 3) Fully staff the medical department to provide routine diagnostic and treatment services as required.
- 4) Conduct an evaluation of why so few inmates are receiving mental health services and address identified issues to ensure appropriate, timely treatment.
- 5) Ensure that staff properly collect, review, and respond to all grievances in a timely manner.
- 6) Review conditions of confinement in the SHU to ensure compliance with program statements and standards.

¹ The American Correctional Association Accreditation Report Federal Bureau of Prisons Federal Correctional Complex—Victorville (Feb 7-9, 2017).

III. Programming

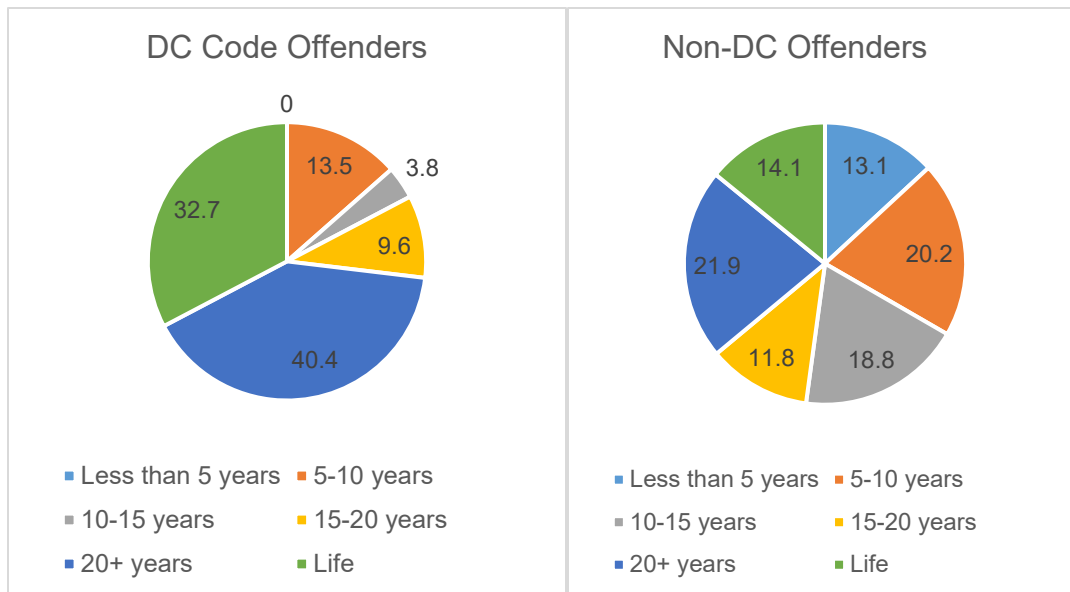
General Programming

UPS Victorville provides a variety of programs including parenting, computer classes, solar panel installation, horticulture, and building trades.² However, almost none were in operation during the site visit, due primarily to Covid-19 restrictions. To prevent the spread of Covid-19, the institution has not permitted volunteers into the facility, and groups permitted to gather are limited in size to promote social distancing in common areas.

Often programming in the BOP is focused on facilitating reentry. Therefore, people with lengthy sentences are not a priority selection for program participation. It is important to consider the sentence length, time served, and the possible range of time remaining when assessing a resident’s needs. For example, three residents expressed interest in working for UNICOR. Two are serving life and one has 30 years remaining on his sentence.

Sentence Length

USP Victorville is home to 142 persons serving a life sentence. Almost 33 percent of the DC population is serving a life sentence. In contrast, 13 percent of the non-DC population is serving a life sentence. Of the individuals who responded to the CIC survey, forty-four percent are serving a life sentence. The following illustration shows that DC Code offenders at USP Victorville have longer sentences, including life sentences, when compared to non-DC residents.³

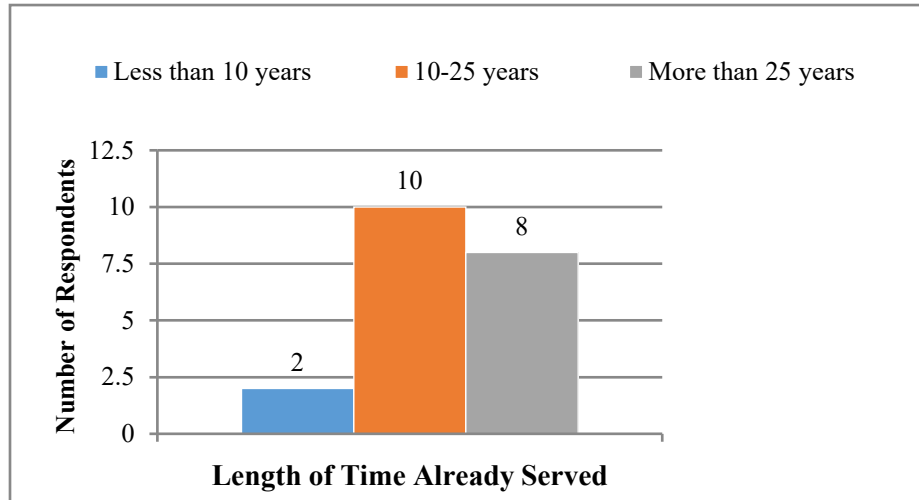


² FCC Victorville Inmate Handbook Updated as of September 2015 pp 13-23
https://www.bop.gov/locations/institutions/vip/VIX_aohandbook.pdf

³ Sentence lengths are attributable to varying jurisdictional guidelines, which are not attributable to the BOP.

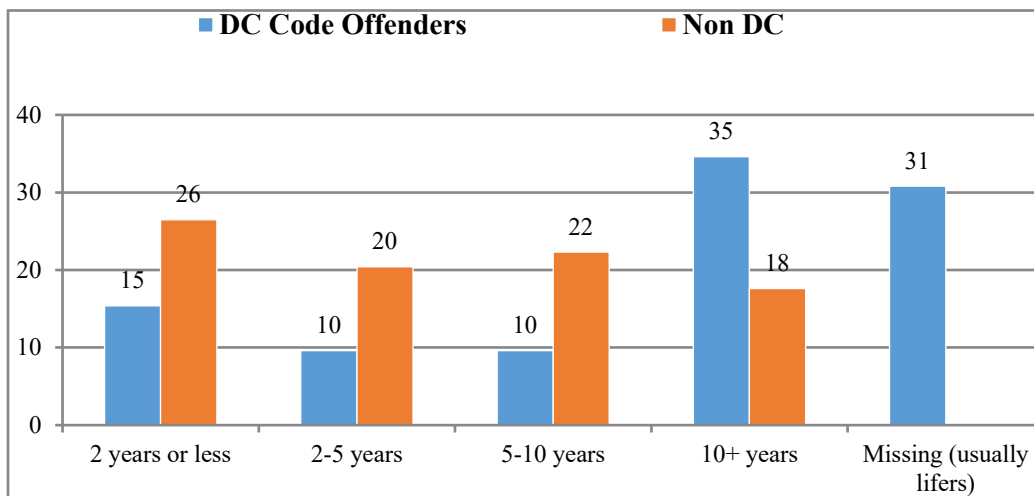
Time Served

Survey respondents at Victorville have served lengthy periods of time in the BOP, though often at other facilities as well as Victorville. Ninety percent of the respondents have already served more than 10 years, including forty percent who have already served more than 25 years.



Time Remaining

DC Code offenders at USP Victorville have longer periods left to serve as compared to non-DC individuals at the facility. Survey respondents expressed interested in programming, including employment and education, as opposed to only re-entry services. Twenty-six percent of non-DC prisoners and fifteen percent of DC Code offenders will be released within two years.



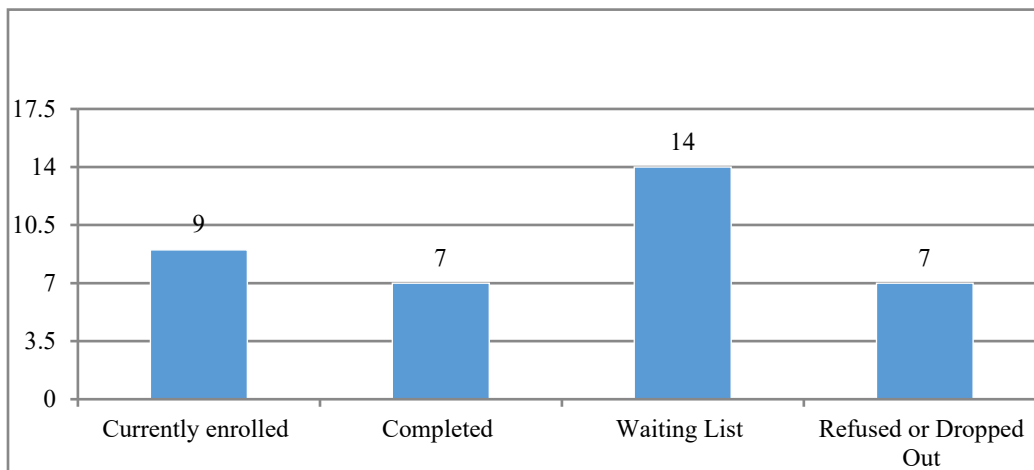
GED and Education

USP Victorville has one teacher (Victorville FCI I has three teachers and Victorville FCI II has four teachers). In addition to the one teacher at USP Victorville, there are three Education Specialists, one Education Technician, and an Assistant Supervisor of Education.⁴

At the time of the visit, almost half of the positions in the Education department were vacant. USP Victorville staff vacancies included the Supervisor of Education, a teacher, a training instructor, and two special education teachers. As a result, there are currently no special education services. In addition, staff from the education department are required to fill in for the nine correctional officer positions that were also vacant, a practice the Bureau of Prisons calls “augmentation”.

Approximately 32 percent of survey respondents indicated they had not yet obtained their GED. Inmates who do not have a verified GED credential or high school diploma are required to attend an adult literacy program for a minimum of 240 instructional hours or until a GED is achieved.⁵ An exception exists for “inmates who have a documented emotional, mental, or physical individual impediment to learning.”⁶ The policy states that every literacy program (except for a few exempted facilities) must include a qualified special education instructor.⁷

GED Status of Survey Respondents



In response to the CIC survey question about residents’ participation in educational programming, two of the twenty-five respondents noted they were enrolled in the GED program. In interviews, one of the respondents stated that he had been enrolled in the GED program one day before the

⁴ FCC Victorville Education Department, Education Handbook, Revised 05/01/2021

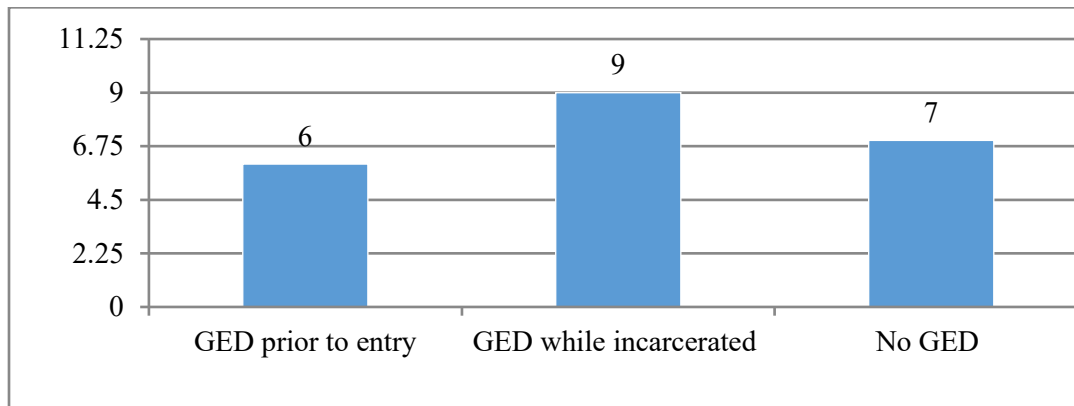
⁵Bureau of Prisons Program Statement 5350.28 Literacy Program 12/1/2003
https://www.bop.gov/policy/progstat/5350_028.pdf

⁶ Ibid Section 544.71 page 8

⁷ Ibid page 36

site visit, which was his first time participating in education in 6.5 years in BOP custody. The other current enrollee has been incarcerated in the BOP for more than 10 years.

GED Enrollment by DC Code Offenders



According to the education profile for USP Victorville for FY 2020, two people completed the GED program and 37 involuntarily withdrew.⁸ Withdrawal from the GED program has consequences that impact security designation and the ability to work. Security designation in the BOP is determined by a system of points, with higher scores meaning placement in higher security facilities. People who have no verifiable high school degree or GED and are not participating in the GED program receive two points, which may impact their security level. Enrollment and satisfactory progress in the GED program removes one point from an individual's security score.

There are several incentives for achieving a GED at Victorville. "Incentives for successful completion of the GED is \$25.00. Additional incentives may also be awarded, such as Student of the Month, certificates for exceptional performance, and consumable products."⁹ DC Code offenders may also earn District of Columbia Education Good Time Credit (DCEGT) for participation in the literacy program, which awards credits to reduce the time remaining on a resident's sentence.

Recommendation: Fill educational staff vacancies and assess the need for special education services for residents who have not obtained a GED.

Response by BOP: *USP Victorville's Education Department is currently appropriately staffed to offer numerous programs to inmates. USP Victorville is part of the Federal Correctional Complex Victorville (FCC Victorville), and staff can be assigned/moved within the Complex to meet the needs of the Department. USP Victorville is currently staffed with a Supervisor of Education, Assistant Supervisor of Education, two Teachers, and two Education Specialists. Additionally, there is a Vocational Training Instructor. Under Section III. Programming, GED and Education, the CIC report states that at the time of the visit, almost half of the positions in the Education Department were vacant. It should be noted FCC Victorville's Education Department was staffed at 79.31 % in September 2021. The FCC Victorville Education Department is currently staffed at 86.21 %, with four open positions. Two of the four open positions are for Special Education Teachers. FCC Victorville has attempted to fill the open positions for Special Education Teacher*

⁸Educational Profile Report USP Victorville FY 2020 Education Profile DC CIC Creation Date: August 30, 2021

⁹ FCC Victorville Education Department, Education Handbook, Revised 05/01/2021 page 8

on two occasions during 2021 and on two occasions during 2022, but has not been able to find a qualified applicant. The position was announced for a fifth time on USAJOBS which closed on April 1, 2022, and again resulted in no qualified applicants. FCC Victorville has been working with a Regional Recruiter to hire this hard-to-fill position. Additionally, under Section III. Programming, GED and Education, the CIC noted that the education profile provided for USP Victorville for FY 2020, indicates two people completed the GED program and 37 involuntarily withdrew. During FY 2020, USP Victorville was tasked with ensuring inmate health and safety during the COVID-19 pandemic. Due to COVID-19 mitigation strategies, GED classes were suspended to mitigate the spread of COVID-19, by minimizing communal activities. As a result, the number of GED completions was significantly reduced. Additionally, inmates are withdrawn from the GED program for several reasons, to include when an inmate transfers from the institution. However, once an inmate arrives at the newly designated institution, he or she may re-enroll in the GED Program, if not completed. Without specific case information regarding the inmates who were involuntarily withdrawn from the GED program, the assessment provided by the CIC is anecdotal, and the BOP cannot thoroughly address these claims. Currently, the Education Department has resumed GED programming and testing. As of March 2022, there were currently 65 inmates enrolled in the GED program at USP Victorville.

Employment

According to staff, 13 DC individuals at USP Victorville are employed in institutional assignments, and one is employed by UNICOR.

UNICOR, the federal prison industries work program, encourages all inmates to continue their education. Inmates who do not possess a high school diploma or GED will be restricted to a grade 4 until their completion and passing of their GED.¹⁰ Grade 4 UNICOR workers earn 46 cents per hour, while Grade 1 earns \$1.15 per hour. There are 40 men currently employed by UNICOR at USP Victorville, including one DC individual. The UNICOR facility at USP Victorville customizes vehicles for use by law enforcement agencies and the National Park Service. UNICOR purchases the vehicles and the sirens and communication equipment, and then sells the customized vehicles to the government. Three of the CIC survey respondents commented that they are interested in participating in UNICOR in order to gain a skill and make income. In interviews, DC residents stated that people from DC do not receive the same employment opportunities as other residents. As noted above, some of the DC residents who would like to be employed are serving lengthy sentences.

Unit A is the work cadre unit, which can house up to 128 men. Currently, there are 92 men on the unit; six men are from DC. Three men from DC currently have a work assignment, and three are currently unassigned.

Recommendation: Offer more employment opportunities to DC Code offenders.

Response by BOP: *In accordance with Program Statement 5251.06, Inmate Work and Performance Pay. USP Victorville provides work opportunities for all inmates to assist with job*

¹⁰ FCC Victorville Inmate Handbook Updated as of September 2015 page 48
https://www.bop.gov/locations/institutions/vip/VIX_aohandbook.pdf

readiness. During the height of the pandemic, inmate work details were limited and modified to ensure social distancing and to mitigate the spread of the of COVID-19. USP Victorville followed the Centers for Disease Control (CDC) and BOP guidance, to implement several mitigation strategies to combat the virus. However, work details have now returned to normal capacity. USP Victorville offers all inmates an opportunity to be employed in UNICOR. All UNICOR hiring procedures are done in compliance with Program Statement 8120.03, Work Programs for Inmates - FPI. Inmates are encouraged to obtain a UNICOR application from their Unit Team and submit the application to UNICOR. After the UNICOR application is submitted, inmates are placed on waiting lists for employment. It is noted under Section III. Programming, Page 10, that three of the CIC survey respondents commented that they are interested in participating in UNICOR and that DC residents stated that people from DC do not receive the same employment opportunities as other residents. Upon reviewing the USP Victorville UNICOR waiting lists, there are no additional District of Columbia inmates who have requested and are waiting for employment in UNICOR.

IV. Medical Care

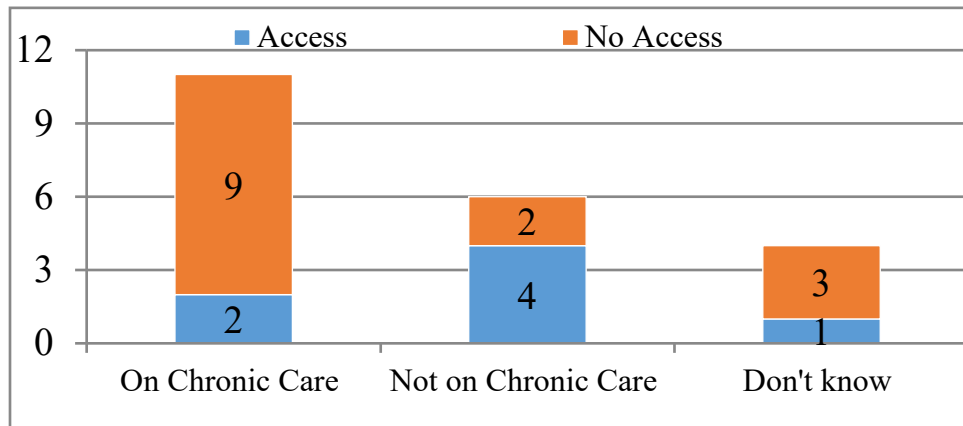
When asked about the ability to access medical care, 13 out of 23 respondents stated that they were unable to access medical care when needed, and 18 out of 23 provided written comments about medical services. According to the facility handbook,

FCC Victorville has a wide range of medical and dental services available. Emergency Medical Care is available 24 hours a day. The Medical staff are available from 6:00 am to 10:00 pm, Monday through Sunday and holidays. From 10:00 pm to 6:00 am on Monday through Sunday and holidays, the Health Services Staff Physicians are on call. Any emergencies outside these times will be reported to the Custody Staff responsible for you.¹¹

Thirteen people noted they were on the chronic care list. Nine out of thirteen people on the chronic care list indicated that they were unable to access medical care when needed. The most frequent comments on surveys and during interviews addressed medical care, and more than half of the grievances filed at USP Victorville focused on the lack of availability or lack of quality medical care.

¹¹ FCC Victorville Inmate Handbook Page 31

Are You Able to Access Medical Care When You Need It?



Residents' comments about medical care:

"Medical will take forever to see you. it took me 7 months to get my high blood pressure pills."

"They don't help me and never answer my cop outs."

"I have been trying to get my teeth cleaned but it never happens. It's been 6 months and counting."

"It's not good it takes long to get your medication refilled or to be seen by medical."

"Victorville medical staff are very bad workers. They don't give you anything even if you need it or have a medical approval for it. I been complaining since I been here at Victorville."

Part of the difficulty with access to medical care may be staff shortages. At the time of the site visit, USP Victorville staff vacancies included a medical officer, mid-level practitioner, a clinical nurse, supervisory clinical nurse, and phlebotomist. ¹²

Several residents commented that they were unable to comment on the quality of care due to their lack of experience with the medical department. Those same individuals expressed that they lack experience because it is so difficult to access medical care.

Recommendation: Fully staff the medical department to provide routine diagnostic and treatment services as required.

Response by BOP: USP Victorville provides routine diagnostic and treatment services in accordance with Program Statement 6031.01, Patient Care, including guidance for chronic care clinics, medical intake screenings, physicals, consultations from outside health providers, triage and access to care. USP Victorville is working with a Regional Recruiter to fill open positions for Physician, Nurse Practitioner, and Dentist. Additionally, FCC Victorville routinely utilizes temporary duty (TDY) staff from across the Bureau of Prisons to assist with routine medical services

¹² Staffing report provided by BOP prior to the site visit

V.Mental Health Care

Mental Health

The Bureau of Prisons' Psychological Services Department provides mental health care for inmates, including the assessment and treatment of mental health disorders, and individual and group treatment. Per the BOP, "Inmate requests for services are responded to immediately for crisis situations or potential suicide risk, and ordinarily within three (3) working days for routine requests."¹³

Nine respondents stated that they had been diagnosed with a mental health issue and five of those are currently receiving mental health medication. Only five people (less than 25% of the respondents) indicated they had ever met with psychology staff. At the time of the site visit, USP Victorville staff vacancies included a staff psychologist, psychology technician, social worker, and the Chief Pharmacist.

Nine residents commented about the mental health department. Seven residents, including several who are receiving mental health medications, focused on the lack of care.

Residents' comments about mental health care:

"Don't help me at all; they don't do they job."

"You really never see them."

"Only when I am in the SHU."

"They don't want to see us at all."

"Once since I have been here."

"They are the laziest."

"I have not seen mental health but once at my initial interview."

Recommendation: Conduct an evaluation of why so few inmates are receiving mental health services and address identified issues to ensure appropriate, timely treatment.

Response by BOP: *Under Section V. Mental Health Care, the CIC states, "Only five people (less than 25% of the respondents) indicated they had ever met with psychology staff." USP Victorville follows Program Statement 5310.17, Psychology Services Manual. As such, all new inmates arriving to USP Victorville are seen by a Psychologist within 14 days of their arrival, and transfers are seen within 30 days of their arrival. During this screening, they are informed of how to seek additional psychological services. Additionally, USP Victorville psychologists adhere to Program Statement 5310.16, Treatment and Care of Inmates With Mental Illness, and see all Care Level Three*

¹³ Federal Bureau of Prisons Program Statement P5310.17 Psychological Services Manual August 25, 2016 page 13. https://www.bop.gov/policy/progstat/5310_017.pdf

mental health inmates weekly and Care Level Two mental health inmates at least once per month. Care Level One mental health inmates are seen upon their request. In addition to individual counseling, Psychology Services provides group treatment in general population and in the Special Housing Unit. Group topics consist of managing mental illness, distress tolerance, and anger management. Finally, Psychology Services also offers drug education programming and non-residential drug treatment. All inmates meet with Psychology staff upon arrival to USP Victorville. Without specific case information regarding inmates who state they have not received requested mental health services, the assessment provided by the CIC is anecdotal, and the BOP cannot thoroughly address these claims.

VI. Grievance and Disciplinary Processes

Grievance Process

Residents may seek formal review of complaints about conditions of confinement through the Administrative Remedy (Grievance) Program.¹⁴ Initially the resident completes a BP-8 form (also known as a cop-out) and gives it to staff at the institution. If the resident is not satisfied with the resolution of the complaint, the resident may file a BP-9 which is submitted to the Warden. If the resident is not satisfied with the Warden's response, the resident may file a regional appeal (BP-10). Ultimately, a resident who is unsatisfied with the response from the regional director may appeal to General Counsel in the Central Office using a BP-11.¹⁵

Almost half of respondents used the grievance process at USP Victorville. More than half of the grievances focused on the lack of availability or lack of quality of medical care. Only three respondents responded that the grievance was resolved to their satisfaction.

Eight respondents made comments about the grievance process; several of the comments expressed frustration about the effectiveness.

Residents' comments about the grievance process:

"They [the staff] do not turn them [cop-outs] in."

"They do not turn them in for processing."

"They will not go nowhere."

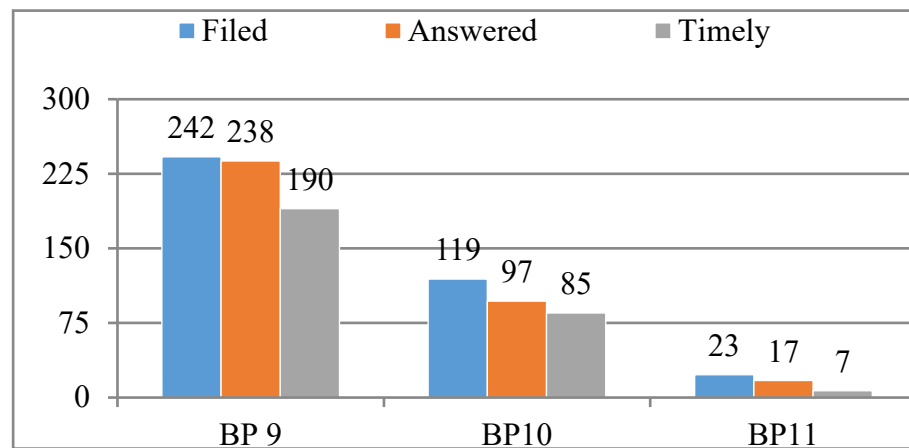
"It works yet it's slow (extremely)."

The perception that the grievance process is inefficient stems from data provided by the BOP about the timeliness of responses to grievances from USP Victorville at the institutional, regional, and national levels. Only 78.5% of BP 9s, 71.5%, of BP 10s, and 30.5% of BP 11s received a timely response.

¹⁴ Bureau of Prisons Administrative Remedy Program Statement 1330.18 January 6, 2014

¹⁵https://cic.dc.gov/sites/default/files/dc/sites/cic/page_content/attachments/BOP%20Administrative%20Remedies%2011.15.17%20REVISED.pdf

Responses to BP-9, 10, 11



Recommendation: Ensure that staff properly collect, review, and respond to all grievances in a timely manner.

Response by BOP: *USP Victorville adheres to Program Statement 1330.18, Administrative Remedy Program. Inmates may seek formal review of an issue relating to any aspect of their own confinement. While Section VI. Grievance and Disciplinary Process, Page 13, indicates that only three respondents responded that the grievance was resolved to their satisfaction, the purpose of the administrative remedy program is to thoroughly investigate and respond to specific issues by either granting or denying the relief sought. Inmates who are dissatisfied with the response at the institutional level may appeal the response to the Regional and Central Office level. Most recently, in December 2021, 94.4% of administrative remedies at FCC Victorville were answered timely, and 97% were answered timely in January 2022.*

Disciplinary Process

The disciplinary process begins when staff witness or reasonably believe that a resident has committed a prohibited act. The staff member will issue an incident report and staff then investigates the alleged misconduct. The incident may be informally resolved by the Unit Team Discipline Committee (UDC). Twelve out of 20 survey respondents (60%) indicated that the Unit Team is not fair.

The Discipline Hearing Officer (DHO) refers to a one-person, independent officer who conducts hearings and imposes sanctions for incidents of misconduct referred by the UDC. The DHO will be an impartial decision maker who was not a victim, witness, investigator, or otherwise significantly involved in the incident.¹⁶ Five of the 14 respondents (35.71%) felt the DHO was fair.

¹⁶ Bureau of Prisons Inmate Discipline Program Statement 5270.09 July 8, 2011 page 28
https://www.bop.gov/policy/progstat/5270_009.pdf

Residents' comments about the disciplinary process:

"They do need someone who isn't a staff member to handle the disciplinary process and DHO."

"Write ups are supposed to be in 24 hours. You could be in the SHU for 3 weeks waiting to be seen. they are not on time."

"It's unprofessional and vindictive."

"You had already lost to the shot before you had your disciplinary hearing."

SHU

The Special Housing Unit (SHU), also referred to as segregated or restrictive housing, is designed to securely separate inmates from the general inmate population. In the BOP, inmates placed in the SHU are housed in two-person cells. The two categories of Special Housing are administrative detention¹⁷ and disciplinary segregation.¹⁸ According to BOP policy, an inmate may be placed in administrative detention for the following reasons:¹⁹

- (a) Pending Classification or Reclassification.
- (b) Holdover Status.
- (c) Removal from general population for:
 - 1. Investigation.
 - 2. Transfer.
 - 3. Protection cases.
 - 4. Post-disciplinary detention.

Inmates in the SHU are generally confined to their cells for 23 to 24 hours a day. BOP policy provides for five hours of recreation time per week, which ordinarily should occur in one-hour periods on separate days.²⁰ Plans to increase recreation time are developed locally at each institution.²¹ Inmates are also permitted to receive one non-contact visit²² per month and make one 15-minute phone call per month. Inmates may be allowed to make additional calls in the event of an emergency or death.

At the time of the CIC's visit, 13 of the 52 DC residents at USP Victorville (25%) were housed in the SHU. In addition to the DC residents, 194 non-DC individuals (20%) were in the SHU. One of the DC individuals in the SHU was interviewed. He met with CIC staff in the no contact room with shackles on his hands and feet. He did not complete the survey since his hands were not free. He indicated at the outset of the interview that he had waited nearly three hours while shackled

¹⁷ Fed. Bureau of Prisons, U.S. Dep't of Justice, Program Statement No. 5270.10, Special Housing Units (Nov. 23, 2016). https://www.bop.gov/policy/progstat/5270_009.pdf

¹⁸ Disciplinary segregation is imposed as a sanction for violations of BOP rules and regulations.

¹⁹ BOP informed CIC staff during a telephone conversation on November 8, 2021 that this list included in the policy is not exhaustive.

²⁰ Fed. Bureau of Prisons, U.S. Dep't of Justice, Program Statement No. 5270.11, Special Housing Units (Nov. 23, 2016). https://www.bop.gov/policy/progstat/5270_009.pdf

²¹ Id.

²² Non-contact visit is not defined: could be face to face, through glass, or via video

and handcuffed to speak with the CIC and that he is often placed in four-point restraints while in the SHU.

On the second day of the site visit, another DC individual who had been in SHU the prior day came to be interviewed. He stated via survey that he has never been in four-point restraints, nor has he experienced use of force by staff.

Almost half of the survey respondents (10/21) reported having been placed in the SHU at Victorville. Four of the respondents had been in SHU three or more times. One person noted that force had been used while he was in the SHU. Another resident indicated he has been held in four-point restraints while in SHU.

Recommendation: Review conditions of confinement in the SHU to ensure compliance with program statements and standards.

Response by BOP: *USP Victorville's Special Housing Unit (SHU) is operated in accordance with Program Statement 5270.11, Special Housing Units. Conditions of confinement are reviewed regularly in accordance with policy, internal auditing procedures, and ACA standards. Additionally, USP Victorville adheres to Program Statement 5566.06, Use of Force, where staff are authorized to only use force as a last alternative after all other reasonable efforts to resolve a situation have failed. Staff are authorized to use only that amount of force necessary to gain control of an inmate, to protect and ensure the safety of inmates, staff and others, to prevent serious property damage, and to ensure institution security and good order.*

VII. Safety and Security

Safety within the Population

During interviews, survey respondents noted the lack of violence among inmates at USP Victorville. Only one of the 23 respondents to the question “Have you been harassed or abused by other inmates at USP Victorville?” answered in the affirmative, and he did not provide details.

Residents’ comments about incidents of violence:

“I have not been in any violence incidents myself; however, I have seen a lot of violence act by inmates and COs.”

“A few fights among inmates, but mostly staff harassment and retaliation.”

Interactions with Staff

In contrast to the sense of feeling of security with other inmates, half of the respondents (11 of 22) stated they had been harassed or abused by staff at USP Victorville. One respondent referred to a particular conflict between an inmate and officer during July 2021.

Residents' comments about harassment by staff:

"Staff will say racist things to you let inmates sell your property get on your back so you can't breathe."

"Constant pat downs, verbal abuse, and destruction of some of my personal property."

"An officer planted a weapon in my cell. The incident was thrown out however."

Nine of 22 (40.91%) respondents affirmed that staff made racist remarks in the last six months. Eight of 21 (38%) respondents stated they have experienced "use of force" at USP Victorville. Three survey respondents stated they had reported sexual abuse or sexual harassment while at Victorville. Several residents mentioned threats and intimidation by staff and spoke about inappropriate actions taken by staff including planting drugs and taking personal property.

Residents' comments about staff interactions:

An officer kicked my feet to move me.

I was grabbed out of my wheelchair.

Officer [name deleted by CIC staff] tried to make sure that DC guys did not come to talk to the CIC today. He threatened to find a knife in my cell when I finish talking to the CIC.

Recommendation: Ensure that all allegations of staff misconduct towards inmates are appropriately investigated and addressed.

Response by BOP: *The CIC visited USP Victorville September 15-16, 2021. CIC staff did not report any staff misconduct regarding any inmate during their visit to Executive Staff. The Bureau of Prisons was made aware of these allegations, upon receipt of this report, which was forwarded electronically on March 8, 2022. In accordance with Program Statement 3420.11, Standards of Employee Conduct, the Bureau of Prisons takes allegations of staff misconduct seriously, and makes every attempt to hold staff to the highest standards. All allegations of staff misconduct are reviewed, and if necessary, referred to the appropriate department for investigation. Under Section VII. Safety and Security, the CIC included inmates' comments about staff interactions. Additionally, under VIII. Conclusion, the CIC report states, "... several persons mentioned threats and intimidation by staff and spoke about inappropriate actions taken by staff, including planting drugs and taking personal property." The CIC did not provide USP Victorville with detailed and specific information to investigate or substantiate any allegation of abuse. Therefore, the BOP is not able to thoroughly address any of these claims.*

VIII. Conclusion

The visit to USP Victorville revealed a lack of opportunities for employment and education for DC Code Offenders. Only one DC Code Offender is employed by UNICOR while three additional survey respondents expressed interest in participating in UNICOR. Survey respondents also indicated a desire to enroll in educational programs. Often programming in the BOP is focused facilitating reentry. Therefore, people with lengthy sentences and time remaining on their

sentences appear often excluded. This method of selecting participants in programming adversely affects DC Code Offenders at Victorville, especially those with indeterminate sentences.

The visit also highlighted a need for improved medical and mental health services, especially for the men who are on the chronic care caseload. More than half of the respondents to the survey stated they were unable to access medical care when needed; almost 70% of the respondents on the chronic care list noted they were unable to access medical care when needed; and more than half of the grievances filed at USP Victorville focused on medical care. At the time of the site visit, there were five vacancies in the medical department at USP Victorville.

Similar concerns were raised about the lack of provision of mental health services at USP Victorville. Only five people (less than 25% of the respondents) indicated meeting with psychology staff. At the time of the site visit, USP Victorville staff vacancies included a staff psychologist, psychology technician, social worker, and the Chief Pharmacist.

To address these concerns, almost half of respondents used the grievance process at USP Victorville. More than half of the grievances focused on the lack of availability or lack of quality of medical care. Only three respondents responded that the grievance was resolved to their satisfaction.

Most respondents felt that the Unit Team and the DHO were both unfair. Residents were particularly concerned that grievances were “lost” thus receiving no response or not responded to in a timely fashion. The concern about non-responsiveness regarding grievances extended to residents’ experiences with grievances on the regional and national levels.

On the first day of the site visit, 13 of the 52 DC residents (25%) were housed in the SHU. While the DC CIC did not visit the SHU, information that was gathered raised concerns about the use of force and use of four point restrains in the SHU. Additionally, there was at least one report of a three hour wait to speak with the CIC while shackled and handcuffed.

During interviews, residents noted the lack of violence among inmates at USP Victorville. In contrast, several persons mentioned threats and intimidation by staff and spoke about inappropriate actions taken by staff, including planting drugs and taking personal property.

Appendix A: Methodology

In accordance with the Memorandum of Understanding (MOU) between the CIC and the BOP, the CIC notified the BOP on August 27, 2021 of its request to inspect USP Victorville on September 15-16, 2021, including a tour of all areas to which inmates have access, discussions with staff, and confidential interviews with DC inmates.

On August 30, 2021, the BOP provided the CIC with the roster of DC inmates at USP Victorville. On September 7, 2021, the CIC communicated with the DC inmates at USP Victorville, informing them of the upcoming inspection and offering them the opportunity for a confidential interview with a member of the CIC.

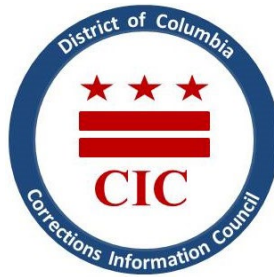
The CIC conducted an onsite inspection of USP Victorville on September 15-16, 2021. In preparation for the site visit, the BOP provided demographic and other data on the DC residents with DC code offenses. At the end of the tour, the CIC spoke to DC inmates to offer each individual the opportunity to fill out a survey and speak with a member of the CIC. The CIC interviewed 25 inmates on September 15-16, 2021. In addition to the tour, surveys, and interviews, the CIC conducted a file review of five of the residents who completed surveys and were interviewed.

After the inspection, the surveys were compiled using SurveyMonkey, a business intelligence tool, with unique identifiers used instead of individual names to protect confidentiality. The total number of respondents for a particular question is noted on each chart. Extended responses from the surveys were compiled with comments from other forms of communications with DC inmates at the facility and were used to inform analysis and provide context in applicable sections.

In addition to the onsite inspection, survey data, and communication with individuals incarcerated at the facility, the CIC reviewed general inmate and facility data related to inmate population and demographics, facility staffing, significant incidents, urine surveillance, and disciplinary records. The CIC also reviewed an education report, dining menus, commissary lists, the Admissions and Orientation Handbook, the most recent ACA audit, and the most recent Prison Rape Elimination Act (PREA) report.

Based on the site visit, interviews with 25 DC residents of USP Victorville, and their responses to survey questions, the report provides factual data and suggests six recommendations.

The CIC provided the BOP with a draft version of the report for review of factual information and an opportunity to respond to follow-up questions and any other information in the report. The BOP responses to the CIC draft report are included in the final version of this report.



**District of Columbia
Corrections Information Council**

The electronic version of this report is
available on the CIC website:
<http://www.cic.dc.gov/>