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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

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July 30, 2018

Mr. Hugh J. Hurwitz
Acting Director
Federal Bureau of Prisons
320 First Street N.W.
Washington, D.C. 20534

Dear Acting Director Hurwitz:

I write concerning new whistleblower allegations within the Bureau of Prisons (BOP) Federal Correction Institution in Mendota, California (FCI Mendota).¹ I appreciate your immediate attention to these issues.

A whistleblower alleges that the air conditioning system in the minimum security camp has been broken for six months—resulting in cruel living conditions and causing potential security risks.² With temperatures above 100 degrees, inmates are reportedly resorting to placing wet towels on their bodies to keep cool.³ The whistleblower alleges that the warden declined to purchase parts necessary for maintenance of the air conditioning unit earlier this year.⁴

A whistleblower also alleges that as inmates have become more vocal about the conditions in the minimum-security camp, some minimum-security inmates were transferred to the medium-security prison.⁵ Because the minimum-security inmates have specially-issued uniforms, the whistleblower expressed concerns that introducing these inmates into the medium-security facility poses risks.⁶ For example, if a medium-security inmate obtained a uniform meant for a minimum-security inmate—some of whom have off-site privileges—the medium-security inmate could possibly escape the prison, posing a threat to the neighboring community.

As I wrote to you on July 12, FCI Mendota is the same facility where whistleblowers have alleged the presence of toxic black mold in the control room.⁷ According to the whistleblower, BOP refused to test the mold and, when tests confirmed the mold's existence,

¹ The whistleblowers have consented to the disclosure of the information contained in this letter. For the protection of the whistleblowers, this letter will not use their names. The Committee has not verified the accuracy of any of the allegations; however, we recount them here to allow BOP to address them expeditiously.

² Whistleblower call to Committee staff (July 27, 2018).

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ See letter from Ron Johnson, Chairman, S. Comm. on Homeland Sec. & Governmental Aff., to Mr. Hugh J. Hurwitz, Acting Dir., Federal Bureau of Prisons (July 12, 2018); see also e-mail from whistleblower to Committee staff (May 14, 2018) (on file with Committee staff).

BOP refused to fix the problem.⁸ According to a whistleblower, FCI Mendota reportedly told the Occupational Safety and Health Administration (OSHA) that it had addressed the mold; however, when OSHA inspectors conducted a follow-up visit, the mold had not been properly addressed.⁹

To understand how BOP is addressing the situation at FCI Mendota, I respectfully request the following information:

1. Please explain how BOP is remediating the presence of black mold in the control room of FCI Mendota. Please produce all work orders or related documents concerning the remediation.
2. Please explain how BOP is repairing the air conditioning system in FCI Mendota's minimum-security camp. Please produce all work orders or related documents concerning the repairs, as well as the total cost of repairs needed to return the air conditioning system to a working state.
3. Please explain how BOP will ensure the safety of the lower-risk prisoners currently residing in the medium-security facility at FCI Mendota, how BOP will prevent medium-security inmates from obtaining uniforms meant for minimum-security inmates; and the date by which prisoners will be returned to the minimum-security camp.

Please provide this information as soon as possible but no later than 5:00 p.m. on August 13, 2018. Lastly, I also reiterate the request I made on July 12 for you to communicate to all BOP employees their rights under federal whistleblower laws.¹⁰

The Committee on Homeland Security and Governmental Affairs is authorized by Rule XXV of the Standing Rules of the Senate to investigate "the efficiency, economy, and effectiveness of all agencies and departments of the Government."¹¹ Additionally, S. Res. 62 (115th Congress) authorizes the Committee to examine "the efficiency and economy of operations of all branches and functions of Government with particular references to (i) the effectiveness of present national security methods, staffing, and processes"¹²

⁸ Northwest Hazmat Inc. Rep. FCI Mendota, Speck, A. (May 21, 2018) (on file with Committee staff).

⁹ Whistleblower call to Committee staff (July 27, 2018).

¹⁰ Whistleblower Protection Act of 1989, Pub. L. No. 101-12 (1989); *see also* Whistleblower Protection Enhancement Act of 2012, Pub. L. No. 112-199 (2012); Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017, Pub. L. No. 115-73, 131 Stat. 1235 (2017).

¹¹ S. Rule XXV(k); *see also* S. Res. 445, 108th Cong. (2004).

¹² S. Res. 62 § 12, 115th Cong. (2017).

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If you have any questions related to this request, please ask your staff to contact Katie Bailey or David Brewer of Committee staff at (202) 224-4751. Thank you for your prompt attention to these serious matters.

Sincerely,



Ron Johnson
Chairman

cc: The Honorable Claire McCaskill
Ranking Member

The Honorable Michael E. Horowitz
Inspector General
Department of Justice

The Honorable Chuck Grassley
Chairman
Senate Committee on the Judiciary

The Honorable Dianne Feinstein
Ranking Member
Senate Committee on the Judiciary