

CHAIR OSSOFF'S OPENING STATEMENT

The Permanent Subcommittee on Investigations will come to order.

Today's hearing continues a ten-month bipartisan investigation of corruption, misconduct, and abuse at U.S. Penitentiary Atlanta, a federal prison in the State of Georgia.

The evidence the Subcommittee has secured to date reveals stunning long-term failures of federal prison administration that likely contributed to loss of life; jeopardized the health and safety of inmates and staff; and undermined public safety and civil rights in the State of Georgia and the Southeast Region of the United States.

The Subcommittee has secured and reviewed thousands of pages of internal documents from the Bureau of Prisons and interviewed dozens of witnesses, including BOP whistleblowers, current and former staff, federal judges, federal defenders, and former senior leaders at the Bureau of Prisons.

The investigation has revealed that gross misconduct persisted at this facility for at least nine years, and that much of the damning information revealing misconduct, abuse, and corruption was known to BOP and accessible to BOP leadership during that period.

For many years, the facility has been extremely dangerous and insecure. Correctional Services staff at USPA engaged in misconduct with impunity and, according to BOP's own internal investigations, lacked regard for human life. Vast quantities of contraband including weapons and narcotics flowed through the prison, enabled by staff corruption.

Conditions for inmates and pre-trial detainees have been abusive and inhumane, and in my view, violated both the Eighth Amendment

right to be free from cruel and unusual punishment and the Sixth Amendment right to counsel.

Interviews and records reveal a facility where inmates, including presumptively innocent pretrial detainees, were denied proper nutrition, access to clean drinking water, and hygiene products; lacked access to medical care; endured months of lockdowns with limited or no access to the outdoors or basic services; and had rats and roaches in their food and cells.

One federal judge told the Subcommittee that USPA is an embarrassment to the judicial system and noted that incarceration at USPA is like adding another layer of punishment due to the appalling conditions.

Another federal judge wrote a letter to the USPA Warden in January 2022 — this year — to express his deep concern regarding the persistently abusive conditions that were reported to him, including detainees subjected to “a month of twenty-four hour solitary confinement with only a Bible for entertainment or reading,” “no change of clothes for several weeks,” “lack of access to mail,” “a week with only a paper jumpsuit and paper blankets for an inmate on suicide watch,” and “blockage of written communications between attorney and client.”

Given these conditions it is perhaps not surprising that USPA has led the nation’s federal prison facilities in suicides, and four of the last four inmates deceased from suicide were found to have been using narcotics at the time of their death. This despite repeated warnings from BOP’s own investigators that the prison was failing to prevent the flow of contraband into the facility, failing to implement suicide prevention policies, failing to respond with urgency to suicide attempts by inmates, that there was a lack of, and I quote, “regard for human life” among the staff and — this is another direct quote from the BOP’s own investigations — “a dangerous and chaotic environment of hopelessness

and helplessness, leaving inmates to their own means to improve their quality of life.”

In a November 2020 suicide investigation report, BOP’s own investigators found that the staff’s delayed medical response, quote, “represents gross indifference to preserving life and violates inmates’ Constitutional rights.”

Since at least 2014, BOP leadership was warned in its own internal audits and investigations that failures and misconduct were persistent and severe. Failures documented during this period include:

- Failure to conduct rounds in the Special Housing Unit
- Improper handling and management of firearms
- Failures to search for contraband
- Failures to train staff in suicide prevention
- Improper storage of large quantities of narcotics
- The free and open flow of contraband within the facility, including in the Special Housing Unit
- Mishandling of evidence related to inmate suicides
- Inoperable surveillance cameras
- Inoperable perimeter security infrastructure
- Here are some direct quote: “complacency, indifference, inattentiveness, and lack of compliance with BOP policies and

procedures.”

- “a lack of oversight throughout the institution”
- “USP Atlanta presents significant security concern for the Southeast Region. Both national and local policies are being violated on a regular basis.”

In one instance cited by BOP internal investigators, prison staff had to borrow a razor blade from a prisoner to cut the ligature suspending a prisoner who had hung himself in his cell. In another instance, officers intentionally disabled drug detection equipment used to identify trace amounts of narcotics coming into the prison at one of the entrances.

Yet despite these unequivocal internal reports of abuse and misconduct, the situation continued to deteriorate.

Today, our witnesses include two individuals with more than 45 years of combined experience working within the Bureau of Prisons and several years working at the U.S. Penitentiary in Atlanta. Dr. Ramirez, who comes forward today as a whistleblower, previously served as the Chief Psychologist at USPA but remains employed by the BOP. Ms. Whitehead previously served as the Jail Administrator at USP Atlanta and recently retired after nearly 30 years of service.

Dr. Ramirez, Ms. Whitehead, I applaud your courage in coming forward to speak publicly about your personal experiences working at the U.S. Penitentiary Atlanta and at the Federal Bureau of Prisons. I know this was not an easy decision for you. And I know I speak for the Subcommittee when I say that we are grateful for your bravery today. The Subcommittee and the Senate will look harshly upon and seek accountability for any retaliation you may experience as a result of your testimony.

Our investigation is also about the impact of corruption and dysfunction at USP Atlanta on the criminal justice system and the rights of incarcerated people. Many of these individuals have not even gone to trial yet or been convicted of a crime. Today we will hear from Ms. Shepard, an experienced federal defender, who will testify about her clients' experiences at USP Atlanta.

Later, we will hear from BOP Director Carvajal, who was the Assistant Director for Correctional Programs from 2018 until 2020, with oversight over Correctional Services nationwide, and who has served Director of the agency since 2020.

Director Carvajal's testimony is critical to our ongoing investigation.

After months of bipartisan requests for Director Carvajal's voluntary testimony, on July 14, the Subcommittee issued a subpoena to compel it. As an accommodation to the Department of Justice, and in recognition of Director Carvajal's presence this morning, this subpoena has been withdrawn and Director Carvajal is testifying today on a voluntary basis.

My preference is always to pursue investigations in a cooperative spirit and without resorting to compulsory process. However, so long as I chair this Subcommittee, it will continue vigorously, professionally, and judiciously to pursue investigations in the public interest. And where necessary, the Subcommittee will use all of its authorities to pursue the information vital to that work.

Today is the next step in our investigation, but it is not our last.

I thank Ranking Member Johnson and his staff for their continued cooperation during this bipartisan investigation and yield to him for his opening statement.