



# Department of Justice

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**STATEMENT OF  
COLETTE S. PETERS  
DIRECTOR  
FEDERAL BUREAU OF PRISONS**

**BEFORE THE  
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS  
UNITED STATES SENATE  
FOR A HEARING ON  
SEXUAL ABUSE OF FEMALE INMATES IN FEDERAL PRISONS**

**PRESENTED  
DECEMBER 13, 2022**

**Statement of Colette S. Peters  
Director, Federal Bureau of Prisons  
Before the Permanent Subcommittee on Investigations  
United States Senate**

Good morning, Chairman Ossoff, Ranking Member Johnson, and Members of the Subcommittee. I am appearing before you today to discuss our commitment to combat sexual misconduct at the Bureau of Prisons (Bureau), along with the concrete steps we have taken to address these unacceptable incidents.

Stepping back, our broader mission at the Bureau is to ensure safe prisons, humane correctional practices, and evidence-based rehabilitation opportunities so that people reenter society as good neighbors. I am grateful for the opportunity to help bring greater reform, oversight, accountability, and further innovation to the Bureau. I am committed to ensuring that Bureau employees are guided by the values of respect, integrity, courage, and correctional excellence, and that we intend to carry out our mission with the highest levels of competency, transparency, and accountability as we serve our stakeholders. Operation of safe and secure institutions and employee wellness are key to the Bureau's mission. Both are critical to the success of our core function: ensuring we treat those in our care with humanity. That includes protecting them from sexual misconduct.

I am honored to serve as the 12<sup>th</sup> Director of the Bureau of Prisons, and to provide leadership to corrections professionals in the largest corrections agency in the country. Prior to being sworn in on August 2, 2022, I spent more than 30 years working in the field of public safety. My experiences spanned the continuum of public safety from victim advocacy and crisis mediation to juvenile and adult corrections. In addition to being the first woman to serve as Director of the Oregon Department of Corrections, I have also served as Chair of the National Institute of Corrections Advisory Board and as a past Vice President of the Association of State Correctional Administrators. While I was Director of the Oregon Department of Corrections, we fostered environments inside our facilities that were more humane, including by reducing the use of restrictive housing, reflected the outside community, and led to more successful outcomes upon release. I am honored to now serve as Director of the Bureau of Prisons and to work with the dedicated correctional professionals in our agency.

As I have said before, I welcome accountability and oversight; and I welcome this hearing. The Bureau cannot fully accomplish our mission unless we work with Congress, the Department of Justice (Department) leadership, the Office of Inspector General (OIG), the Government Accountability Office (GAO), the U.S. Sentencing Commission, and others. I believe in transparency and that we must come to this work ready to fix what is not working. As an agency, and through the ranks of its dedicated employees, the Bureau continuously works to ensure the safety and wellbeing of our employees, those in our care and custody, and our surrounding communities. I recognize the gravity of the alleged misconduct within some of our institutions in recent years and condemn any such conduct. Employee misconduct is always unacceptable and must never be tolerated. We continue to respond to and investigate reported misconduct, to hold individuals accountable, including by working with criminal investigators

and prosecutors to bring criminal charges where appropriate, and to foster change in culture at locations where necessary.

On July 14, 2022, the Deputy Attorney General (DAG) convened senior Department officials to review the Department's approach to rooting out and preventing sexual misconduct by Bureau employees, and to propose recommendations and reforms to address deficiencies. On November 2, 2022, this Working Group issued a written report with a series of recommendations, including that the Bureau should enhance the use of administrative actions and discipline of Bureau employees who commit sexual misconduct. The report is available at: [https://www.justice.gov/d9/pages/attachments/2022/11/03/2022.11.02\\_bop\\_sexual\\_misconduct\\_working\\_group\\_report.pdf](https://www.justice.gov/d9/pages/attachments/2022/11/03/2022.11.02_bop_sexual_misconduct_working_group_report.pdf). I am committed to implementing the recommendations in that report. Following a review of the Bureau's disciplinary system, we have a plan in place to improve the timely processing of discipline and to ensure staff who engage in sexual misconduct are held accountable. Once implemented, the Bureau will continue to review the process to ensure it is effective in addressing the issues in the report.

Stopping sexual misconduct at Bureau facilities is an issue of critical importance, and I appreciate this Committee's support in this area. I see this moment as an important opportunity to work together to make our facilities safer for the people in our custody. Let me take this opportunity to share some of the Bureau's current priorities and work aimed at reducing, and ultimately eliminating, sexual misconduct at Bureau facilities. Our work centers on five primary concepts: (1) prevention, (2) reporting, (3) investigation, (4) prosecution, and (5) discipline.

### **ENHANCE PREVENTION OF SEXUAL MISCONDUCT**

As the Director, and the former Inspector General in Oregon, I am committed to enhancing the prevention of sexual misconduct by Bureau employees. A key objective is to make sure this misconduct does not occur in the first place.

This begins with changing the culture and environment in Bureau facilities. The Bureau's Reentry Services Division recently launched an initiative to assess culture at all women's facilities and ensure gender-responsive, trauma-informed practices are being followed. The goal of the Women's Institution Cultural (WIC) Assessments is to develop a "snapshot" of a facility's culture, and themes across the resulting reports will be used to develop new initiatives within the agency.

In the meantime, we are training Bureau employees on the importance of reporting and how to report misconduct and we will be incorporating more training in the future. For example, we are creating a video for women in our custody that provides more details on available resources and discusses sexual safety. We have identified indicators that may signal problems, such as a disproportionate number of complaints targeting a particular office or prison setting, officer tardiness following rounds, and frequent periods where officers are unaccounted for during shifts. We will be equipping, encouraging, and supporting employees to recognize and report those indicators, and stopping wrongful conduct before it occurs as a core responsibility.

Leadership is essential to creating the appropriate culture in Bureau facilities. We are examining how we select, supervise, support, and compensate wardens in women's facilities. Moving forward, we are looking at how we can improve selection of well-suited candidates to serve as wardens in female facilities. These candidates must show a strong desire to work at women's facilities and the necessary skills to address the unique issues faced in such facilities. We are also strengthening the performance criteria for all wardens and their supervisors by considering past approaches to addressing sexual misconduct.

The Bureau is also assessing how we screen candidates for positions at women's facilities. It is critical that we screen for persons who understand the challenges posed at women's facilities. We will be providing additional training to new and existing employees, including gender-responsive training, trauma-informed training, and enhanced sexual abuse prevention training.

Another important aspect of prevention is the importance of promoting a respectful environment, which helps improve the culture of the institution and, in turn, prevent instances of misconduct. We are working on highlighting existing policies that prohibit sexual harassment and updating those policies to specifically address the penalties for sexual harassment to ensure appropriate disciplinary consequences. Likewise, we are addressing sexual harassment perpetrated by people in our care against employees. Unaddressed, this behavior could impair the Bureau's ability to recruit and retain employees and contribute to a culture of acceptance of sexual harassment more generally. We are adopting these measures to ensure that employees are adequately equipped to address the unique issues faced in women's facilities.

We will also improve monitoring in Bureau facilities. I believe that detection is critical to deterrence. We will leverage both technological and human resources to better detect and prevent sexual misconduct. On the technological side, we are working on upgrading camera technology and expanding the use of cameras across facilities. We are also working on extending the time that all video footage is preserved. Further, we are looking into collaborating with formerly incarcerated individuals and using the lessons learned from their experiences. Formerly incarcerated individuals provide insight into a facility's culture, identify specific compliance problems, and offer suggestions for prevention and response. We already held two listening sessions which included formerly incarcerated individuals and we plan on continuing these important sessions, as well as looking for additional opportunities for collaboration.

### **ENHANCE REPORTING OF SEXUAL MISCONDUCT**

The Bureau is taking steps to create and foster a culture where all stakeholders feel empowered to report misconduct and where everyone feels safe coming forward without fear of retaliation. I am confident that such reporting will result in meaningful responses. We are updating relevant policies to emphasize the obligation to report misconduct; to ensure employees and individuals in our care know how they can report allegations; and to ensure appropriate safeguards to protect victims, witnesses, and individuals who report allegations of misconduct.

I have communicated to employees across the Bureau that it is our sworn duty to protect the individuals entrusted to our care. Together, we will foster an environment where everyone

feels safe coming forward without fear of retaliation. The vast majority of Bureau employees abide by their oaths and follow the rules. The small number of employees who engage in inappropriate, egregious, and/or criminal behavior need to be held accountable and we are strengthening our processes to ensure that happens.

To enhance reporting, we have been working toward providing each person in our care with specific and detailed information on how to report misconduct. Additionally, we will be emphasizing that the reports of misconduct can be sent to a dedicated email address run by OIG and will remain confidential upon request. Moreover, we are currently exploring additional resources that could enhance sexual misconduct reporting options for people in our care and their families.

We are also continuing the effort of reducing barriers to reporting. All Bureau employees are protected by law, regulation, and policy from retaliation for making a protected report, and the Bureau will not tolerate any acts of reprisal. In fact, retaliation of this nature itself constitutes misconduct. It is likewise important that incarcerated individuals who are victims of or witnesses to misconduct do not suffer penalties or retaliation for reporting the misconduct. Additionally, the Bureau is reviewing the use of restrictive housing to safeguard people who are reported victims of sexual misconduct as part of its ongoing review of restrictive housing.

Additionally, there is no limitation on who may submit allegations of misconduct. All referrals are reviewed. Employee misconduct allegations are sometimes received from other sources like the union, those in our custody, the public, OIG, and other law enforcement agencies. The Bureau's Office of Internal Affairs (OIA) also sometimes uncovers violative additional conduct while conducting an ongoing investigation; this is also reviewed.

### **ENHANCE INVESTIGATIONS OF EMPLOYEES WHO ARE ACCUSED OF SEXUAL MISCONDUCT**

The Bureau is committed to ensuring that allegations of sexual misconduct are thoroughly investigated, that investigators are properly trained, and that investigatory resources are appropriately aligned. The nature and complexity of the allegations, among other factors, will determine which office will investigate an allegation. Criminal allegations are investigated by the OIG, and sometimes by the Federal Bureau of Investigation. In some criminal cases, OIG will work with the local U.S. Attorney's Office for criminal prosecution. In others, OIG will refer the case back to the Bureau for administrative investigation and action. Of course, employees who are prosecuted criminally may also be subject to agency disciplinary action. Administrative investigations, including those involving Wardens, are investigated by OIA.

We are bolstering and reorganizing investigative resources and personnel to support OIA in conducting timely, thorough, and unbiased investigations. We are adding more than 40 employees to the OIA team and realigning specially trained Special Investigative Agents (SIAs) to be supervised by the Central Office OIA, instead of by local institution management. To ensure we are aware of possible concerns throughout the agency, the Deputy Director and I will also be meeting with the heads of the Bureau's OIA and Human Resources and Management Division monthly to discuss significant cases and issues.

It is important that those investigating allegations of sexual misconduct use purpose-driven, victim-centered, and trauma-informed techniques. The Bureau is incorporating training for OIA investigators on conducting interviews based on these techniques. Additionally, training will emphasize that credibility of an alleged victim, suspect, or witness is assessed on an individual basis — and not determined by whether the person is in custody or a Bureau employee. Investigators are trained to determine on a case-by-case basis the credibility of each statement they obtain. They also continue investigating — gathering additional facts from documents, other interviews, and the wide variety of evidence available.

**ENHANCE ACCOUNTABILITY FOR  
SEXUAL MISCONDUCT PERPETRATED BY EMPLOYEES  
(PROSECUTION)**

Accountability and deterrence are critical to any effective strategy to address sexual misconduct. The DAG has directed U.S. Attorney’s Offices to prioritize the prosecution of criminal misconduct in the Bureau. We agree that bringing these cases is critical for rooting out criminal activity within the Bureau. We welcome the Department’s focus on prosecuting those who violate their positions of public trust as correctional professionals by engaging in criminal activity and victimizing those who they are sworn to safeguard. The Department’s recent prosecutions of sexual misconduct send a strong signal that unlawful conduct will not be tolerated.

Additionally, the Working Group’s report recommended that the Department consider supporting statutory changes to strengthen the Department’s tools to prosecute sexual misconduct against those in Bureau custody and sexual misconduct by government actors more broadly. I support these recommendations.

An important aspect of accountability occurs when an employee is convicted of sexual misconduct. In a public letter this fall, the DAG wrote to the U.S. Sentencing Commission, asking the Commission to review and strengthen the federal sentencing guideline provisions for sexual abuse committed by federal corrections employees against those in their custody, and the Commission is looking into this issue over the coming months. The letter is available at <https://www.usc.gov/sites/default/files/pdf/amendment-process/public-comment/20221017/doj-dag.pdf>. We hope that the Commission agrees and strengthens applicable penalties.

**ENHANCE ACCOUNTABILITY FOR  
SEXUAL MISCONDUCT PERPETRATED BY EMPLOYEES  
(EMPLOYEE DISCIPLINE)**

Another aspect of accountability is appropriate use of the Bureau’s administrative disciplinary process. Whenever an allegation of sexual misconduct is received, the Warden must report it to their Regional Director and to OIA, which will track all allegations of sexual misconduct and report them to my office. The Bureau has added additional personnel and resources to ensure timely review of disciplinary cases and to hold employees accountable for misconduct. Delays in processing discipline can have a detrimental impact on the secure running of institutions and on employee morale. Additionally, CEOs were recently reminded to use all

available options in employee misconduct cases, which may include administratively removing employees from the institution while an investigation is ongoing — if it is in conjunction with serious allegations of misconduct. Since all administrative misconduct assessments, investigations, and disciplinary determinations must be assessed on a case-by-case basis, these decisions will be reported to OIA, which will allow us to make sure that CEOs are making proper use of these tools to keep the populations in their institution safe when allegations of staff misconduct surface.

## **CONCLUSION**

Chairman Ossoff, Ranking Member Johnson, and Members of the Subcommittee, I am honored to speak on behalf of the Bureau and its dedicated employees in institutions and administrative offices nationwide. Thank you for your attention to this critical priority. We are committed to protecting the safety and security of those in our care and to holding accountable those who violate the law. Every person has the right to be safe from sexual misconduct, and I am committed to combatting sexual misconduct in our facilities. I look forward to your continued support on the changes we are trying to implement in our facilities, and I thank you for the opportunity to speak to you today.