

United States Senate

WASHINGTON, DC 20510

August 18, 2022

Colette Peters
Director of Federal Bureau of Prisons
320 First St., NW
Washington, DC 20534

Dear Director Peters,

Congratulations on your appointment as the new Director of the Bureau of Prisons (BOP). We look forward to working together in the best spirit of the Oregon Way to make necessary changes that will ensure the health, safety, and constitutional rights of incarcerated people are protected. We write today with deep concern about allegations of retaliation by guards against inmates at the federal correctional institution in Sheridan, Oregon (FCI Sheridan) and also about issues hurting the mental health of federal inmates nationwide. We respectfully request an update about both of these significant and troubling issues.

We are concerned about recent press reports that there has been retaliation and violence against inmates at FCI Sheridan for speaking out about their experiences regarding unaddressed medical needs; small cell confinement; and limited access to family and lawyers as a result of the pandemic. Inmates' claims of retaliation for speaking out include violence, targeted cell shake downs, and the tossing of personal items, such as medications. The fact that these actions coincide with the inmates' ongoing federal petition alleging conditions at FCI Sheridan violate their constitutional rights make these reports more troubling.

With this commitment in mind, please answer the following questions about the situation at FCI Sheridan:

- What procedures is the BOP taking to ensure humane conditions at FCI Sheridan, including permitting access for inmates to meet and speak with their families, counsel, and other support systems?
- What steps is the BOP taking to ensure that inmates are not confined in small spaces for long periods of time?
- How is the BOP ensuring that the health needs of inmates at FCI Sheridan are being addressed, and what is being done to ensure that inmates are not waiting too long to be examined and treated by medical professionals?
- Is the BOP investigating claims of retaliation by guards either from FCI Sheridan or from elsewhere against inmates at FCI Sheridan? If so, please provide:
 - The actions that have already been taken by the BOP;
 - The actions that the BOP is planning to take or considering; and
 - Any other information relevant to this request.
- What information or directives has been shared with staff and inmates at FCI Sheridan about these allegations of retaliation?
- What procedures are in place to prevent retaliation by staff against inmates?
- Which specific positions, if any, are currently vacant at FCI Sheridan?

- Are you considering recommending direct hire authority for FCI Sheridan to address urgent staffing needs?

Further, we have received reports that a Special Operations Response Team (SORT) has been brought in to FCI Sheridan. Please respond to the following questions about the SORT:

- Is there a SORT or other out of district officers at the FCI Sheridan currently or in the last several months?
 - If so, how many officers are involved? Are inmates able to visually identify the names and badge numbers of involved officers?
- Why was this team brought to the FCI Sheridan? What is their role? Under what conditions will they be removed?

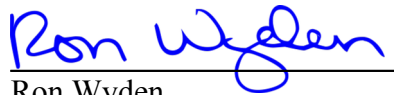
Our offices have also received reports about a chronic problem affecting defendants with mental health conditions in our federal criminal justice system in Oregon and nationwide. We understand there have been significant delays in access to treatment and evaluation for competency restoration for these defendants. As you know, the *Insanity Defense Reform Act* requires that the Department of Justice “hospitalize [a] defendant for treatment in a suitable facility . . . for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit the proceedings to go forward.” The Attorney General has delegated responsibility for meeting this requirement to the BOP. In a recent case, the Ninth Circuit weighed in on these delays and found that the BOP has violated this statutory requirement.

In order for the BOP to address this systemic problem of delayed restoration treatment and evaluation for incompetent defendants, it must revise its approach by allocating more resources and increasing capacity at either new or existing facilities. With this need in mind, please answer the following questions about the next steps the BOP is planning to take.

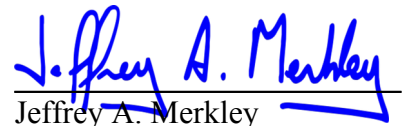
- How is the BOP planning to expand capacity at its current competency restoration facilities and what is the timeline for taking this step?
- Is the BOP considering expanding the number of facilities that offer treatment and evaluation by creating units in other federal facilities and by contracting with state and private facilities to implement programs that meet the federal requirements?
 - If so, what is this plan and what is the timeline for implementing it?
- Is the BOP considering the cost-effective and often successful option of engaging with local resources for in-community competency restoration?
 - If so, what is this plan and what is the timeline for completing it?
- Are there any other options the BOP is considering to address this issue, and what are they?

We respectfully request a response to these questions by no later than September 19, 2022. We appreciate that you have just begun your tenure at the BOP, but given the urgency of the situation, we welcome a quick response.

Sincerely,



Ron Wyden
United States Senator



Jeffrey A. Merkley
United States Senator