



U.S. Department of Justice

Office of the Deputy Attorney General

The Deputy Attorney General

Washington, D.C. 20530

November 2, 2022

MEMORANDUM FOR HEADS OF AFFECTED COMPONENTS  
ALL UNITED STATES ATTORNEYS

FROM: THE DEPUTY ATTORNEY GENERAL *Lisa Monaco*

SUBJECT: Immediate Actions Following the Review of the Department of Justice's Handling of Sexual Misconduct Allegations Concerning Federal Bureau of Prisons Employees

On July 14, 2022, I issued a memorandum identifying grave concerns about instances of sexual misconduct involving employees of the Federal Bureau of Prisons (BOP). I asked the Principal Associate Deputy Attorney General to chair a group of senior Department of Justice officials (the "Working Group") to review the Department's approach to rooting out and preventing sexual misconduct by BOP employees. Consistent with my directive, the Working Group—in consultation with internal and external stakeholders, including formerly incarcerated individuals—conducted that review on an expedited basis and has provided a report with recommendations that accompanies this memorandum.

In its report, the Working Group identified a "need for immediate actions to address the Department's approach to sexual misconduct perpetrated by BOP staff, as well as the importance of further review to consider longer-term—and more systemic—changes." The report outlines over 50 specific recommendations to better protect the safety and wellbeing of those in BOP custody and better hold accountable those who abuse positions of trust, including by enhancing prevention, reporting, investigations, prosecutions, and employee discipline.

I appreciate the prompt delivery of this report, and I welcome its recommendations. At my direction, the Working Group presented the report to BOP Director Colette Peters, and she also embraces its recommendations. I am deeply grateful to the members of the Working Group for their time and dedication to this effort.

Today, I am directing several immediate actions to implement the Working Group's recommendations. First, as part of her ongoing efforts to eradicate sexual misconduct by staff in federal prisons, I have asked the BOP Director to take several immediate steps:

- The BOP Director shall immediately distribute the report to executive staff, including all Regional Directors, Wardens, and Chief Executive Officers (CEOs) of BOP facilities, and issue a Bureau-wide message reiterating the gravity and insidiousness of sexual misconduct and reinforcing that such misconduct will not be tolerated.



- The BOP Director shall instruct the Wardens and CEOs of BOP facilities that any allegations of sexual misconduct must immediately be reported to the responsible Regional Director and to the Office of Internal Affairs,<sup>1</sup> so that the Central Office can track all such allegations and report them to the Director's Office.
- The BOP Director shall issue guidance reiterating and emphasizing that all administrative misconduct assessments, investigations, disciplinary decisions, and witness credibility determinations must be assessed on a case-by-case basis, without any prohibition against substantiating misconduct based on inmate testimony.

Further, I am directing the Principal Associate Deputy Attorney General to engage with the U.S. Attorney community and other litigating components on the importance of using all available tools to hold perpetrators of sexual abuse in BOP facilities accountable. Consistent with the *Principles of Federal Prosecution*, prosecutors should consider the full array of statutes—including the authorities recently enacted in the reauthorization of the Violence Against Women Act—when making charging decisions in cases involving sexual misconduct perpetrated by a BOP official. Likewise, where such cases proceed to sentencing, prosecutors should consider moving for upward departures or variances if sentences within applicable Sentencing Guidelines ranges are not fair and proportional to the seriousness of the offenses.

In order to implement the report's recommendations with dispatch, I am directing the heads of affected components, including the BOP Director, to develop expedited review and implementation workplans. Those plans shall be shared with the Office of the Deputy Attorney General within 30 days of this memorandum.

The Department's obligation to ensure the safety and wellbeing of those in our custody is enduring. For that reason, I am directing the establishment of a standing Advisory Group to further consider and coordinate best practices for investigating and prosecuting sexual misconduct by government actors. The Advisory Group will include, among others, officials from BOP, the Civil Rights Division, the Federal Bureau of Investigation, the Executive Office for U.S. Attorneys, and the Office on Violence Against Women. The Advisory Group will report regularly to the Office of the Deputy Attorney General.

Thank you for your attention to this critical priority. The Department is committed to protecting the safety and security of those in its custody and to holding accountable those who violate their positions of trust. I am grateful for your ongoing commitment to meeting this fundamental responsibility.

Attachments:

- Distribution List
- Report and Recommendations Concerning the Department of Justice's Response to Sexual Misconduct by Employees of the Federal Bureau of Prisons

---

<sup>1</sup> Consistent with its existing policy and practice, BOP should also promptly report such allegations to the Office of the Inspector General.



## **Distribution List**

Associate Attorney General, Office of the Associate Attorney General  
Assistant Attorney General, Office of Legal Counsel  
Assistant Attorney General, Office of Legal Policy  
Assistant Attorney General, Office of Legislative Affairs  
Principal Deputy Assistant Attorney General, Civil Division  
Assistant Attorney General, Civil Rights Division  
Assistant Attorney General, Criminal Division  
Acting Assistant Attorney General for Administration, Justice Management Division  
Director, Federal Bureau of Investigation  
Director, Federal Bureau of Prisons  
Director, United States Marshals Service  
Director, Executive Office for United States Attorneys  
Director, Office for Access to Justice  
Director, Office of Public Affairs  
Acting Director, Office on Violence Against Women  
Inspector General, Office of the Inspector General  
All United States Attorneys