

U.S. House of Representatives

Committee on the Judiciary

Washington, DC 20515-6216

One Hundred Sixteenth Congress

June 11, 2020

Michael Carvajal
Director
Federal Bureau of Prisons
U.S. Department of Justice
320 First Street, NW
Washington, DC 20534

Dear Director Carvajal:

We have witnessed with increasing alarm the growing presence of armed federal law enforcement officers on the streets of the nation's capital. This federal presence is maintained over the objection of local officials, and many of these officers have been identified as Bureau of Prisons (BOP) personnel.

Starting on June 3, 2020, a number of heavily armed officers, wearing no identifying uniform, nametapes, or badges, were positioned in the area surrounding the White House complex. When questioned by the media, these individuals refused to disclose their affiliation or names. Only after investigative reporters discerned the symbols on a number of the officers' shirts did the Department of Justice (DOJ) and BOP confirm that these officers were members of the Special Operations Response Team (SORT) deployed from BOP Crisis Management Teams (CMT).

Even as an isolated incident, this conduct is unacceptable. The deployment of armed BOP personnel, without identification of any sort, is inconsistent with our nation's democratic traditions, runs contrary to DOJ guidance, and leaves us deeply concerned that BOP is not under effective administration by the current Attorney General.

But this was not an isolated incident, and the broader decision to deploy BOP teams around Washington, D.C. is equally concerning. BOP's Crisis Management Teams, including SORT officers, are specially trained to respond to prison disturbances and riots. As I expressed in our June 3, 2020 letter to Attorney General Barr, the use of federal officers to forcibly disperse peaceful protesters with tear gas, pepper spray, smoke canisters, stun grenades, and rubber bullets is a threat to our democracy. Despite this admonition by House leaders, the very next day, the BOP deployed scores of anonymous officers, many of whom were armed with semi-automatic rifles, to the District of Columbia and Miami, Florida. These actions have served only to destabilize the otherwise peaceful assembly of Americans exercising their constitutionally protected rights.

The unnecessary deployment of BOP personnel to the District of Columbia also appears to have led to the unnecessary lockdown of BOP facilities nationwide. In an unexpected move, the BOP locked down all of its facilities on June 1, 2020, something the agency had not done in 25 years. BOP has not provided any specific rationale for this lockdown, other than a claim that it was needed because of protests taking place outside prison walls. Prisoners in BOP facilities are now confined to their cells, with limited medical and non-existent rehabilitative services. This not only adds a tremendous amount of stress to the prisoner population, but it also contributes to the spread of COVID-19 by confining prisoners even more within their already confined prison spaces.

The foundation of the compact between law enforcement and the community is accountability. Those who protect and serve the community must themselves be examples of lawful and righteous behavior. The BOP officers deployed around downtown Washington, D.C. deliberately failed to display identification and refused to answer questions concerning their affiliation. Combined with BOP's involvement in the forceful suppression of American citizens peaceably protesting police brutality and systemic discrimination, these actions further exacerbated the mistrust in law enforcement felt by countless Americans.

For these reasons, we ask that you provide answers to the following questions by no later than June 18, 2020:

1. Under what authority did you deputize CMT or SORT officers in early June 2020 to Washington, D.C. and what is the duration of this special deputation? Please provide a copy of the memorandum authorizing the deputation.
2. How many CMT or SORT officers have been deployed to Washington, D.C. and to what locations within the city?
3. How many CMT or SORT officers have been deployed to posts outside of BOP facilities and have they been deployed to additional locations outside of Washington, D.C., including but not limited to Miami, FL? If yes, please provide a list of these locations.
4. From which facilities were CMT or SORT officers deployed? Please provide a list of these facilities.
5. What, if any, assessment was undertaken to determine whether the deployment of CMT or SORT officers away from BOP facilities was in fact needed? And what, if any, assessment was undertaken to determine if the deployment of CMT or SORT officers away from BOP facilities would compromise the health and safety of those facilities? Please provide copies of all relevant documents and communications related to these assessments.
6. Who made the decision to deploy the CMT or SORT officers to Washington, D.C. and when was that decision made? Please provide copies of all documents and communications relating to the decision to deploy BOP personnel in early June 2020.

7. What type of crowd control training do SORT units have?
8. BOP has specialized Disturbance Control Teams (DCT) that specialize in crowd control scenarios. Have any DCTs been deployed to Washington, D.C.? If yes, how many?
9. How many instances has the BOP employed CMT or SORT officers to police nonincarcerated Americans? Where and when has this taken place?
10. As of the date of your response, how many individuals have been arrested by CMT or SORT officials pursuant to their expanded arrest powers in Washington, D.C. or other locations? Please provide a breakdown of these arrests by location.
11. What BOP facilities did not deploy CMT or SORT teams outside of their facilities in early June 2020? For those facilities that did not deploy their teams, why were those facilities placed on lockdown?
12. Who made the decision to institute a nationwide lockdown of BOP facilities and when was that decision made? Please provide copies of all relevant documents and communications relating to that decision.
13. Have you received or exchanged any communications with the Office of the Attorney General or the Office of Deputy Attorney General relating to the deployment of CMT, SORT officers, or other BOP employees to support the federal law enforcement response to the protests both in Washington, D.C. and nationwide? Please provide copies of all relevant documents and communications.

Sincerely,



Jerrold Nadler
Chairman



Karen Bass
Chair, Subcommittee on Crime,
Terrorism, and Homeland Security

cc: The Honorable Jim Jordan, Ranking Member, House Committee on the Judiciary
The Honorable William P. Barr, U.S. Attorney General, U.S. Department of Justice