



U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 300  
Washington, D.C. 20036-4505

The Special Counsel

November 13, 2018

The President  
The White House  
Washington, D.C. 20500

Re: OSC File No. DI-18-1767

Dear Mr. President:

I am forwarding to you a report from the Department of Justice (DOJ) provided to me in response to disclosures received from an employee of the Bureau of Prisons (BOP), Federal Correctional Complex, Beaumont, Texas (FCC Beaumont). The whistleblower, [REDACTED], who consented to the release of his name, is a corrections officer at FCC Beaumont. [REDACTED] alleged improprieties in the handling of inmate requests for protective custody and that the improper handling of inmate requests jeopardizes FCC Beaumont staff member safety. [REDACTED] reviewed the report but declined to file comments. I have reviewed the report and, in accordance with 5 U.S.C. § 1213(e), provide the following summary of the agency investigation and my findings.<sup>1</sup>

DOJ's Office of Internal Affairs investigated and partially substantiated [REDACTED] [REDACTED] allegations. The investigation did not substantiate [REDACTED] allegation that FCC Beaumont management directed personnel to routinely deny inmate requests to be placed in protective custody. It did, however, conclude that a lack of clear instruction on the processing and management of protective custody requests may have contributed to a perception that inmates were being routinely denied protective custody.

The investigation substantiated [REDACTED] assertion that Lieutenant [REDACTED] [REDACTED] mishandled an inmate's protective custody request and placed both the inmate and staff members in danger when the inmate was sent back to his housing unit and was then assaulted by a group of fellow inmates. The investigation further determined that a second FCC Beaumont staff member, Lieutenant [REDACTED] acted unprofessionally upon responding to the assault incident.

In response to these findings, FCC Beaumont committed to providing direction regarding inmate protective custody requests at upcoming lieutenants' meetings. Further, the report indicated that the investigative findings will be conveyed to the FCC Beaumont

---

<sup>1</sup> [REDACTED] allegations were referred to then Attorney General Jefferson Beauregard Sessions III, on February 13, 2018 pursuant to 5 U.S.C. § 1213(c) and (d). Then Attorney General Sessions delegated authority to review and submit the report to Bradley Weinsheimer, Associate Deputy Attorney General, Office of the Deputy Attorney General.

**The Special Counsel**

The President  
November 13, 2018  
Page 2 of 2

warden who will be tasked with having his captains develop a standardized approach to managing protective custody requests. The warden will also be tasked with developing a format within which FCC Beaumont lieutenants will receive instruction on managing protective custody requests.<sup>2</sup> Finally, the report indicated that disciplinary action will be taken against Lieutenant [REDACTED] for his mismanagement of the situation which resulted in an assault on the inmate who had requested protective custody. Similarly, disciplinary action will be taken against Lieutenant [REDACTED] for his unprofessional response to the assault incident.

I have reviewed the original disclosure and the agency report and determined that the agency's findings appear reasonable. As required by 5 U.S.C. § 1213(e)(3), I have sent copies of this letter and the agency report to the Chairmen and Ranking Members of the Senate and House Judiciary Committees. I have also filed redacted copies of these documents and a redacted copy of the 1213(c) referral letter in our public file, which is available online at [www.osc.gov](http://www.osc.gov). This matter is now closed.

Respectfully,



Henry J. Kerner  
*Special Counsel*

Enclosures

---

<sup>2</sup>An October 1, 2018 update from the agency confirmed that the results of the investigation have been communicated to the warden and that the standardized approach for responding to protective custody requests and a format for training lieutenants regarding managing protective custody requests are currently being developed.