



Office of the Inspector General
United States Department of Justice

ANALYSIS OF THE RESPONSE BY THE
FEDERAL BUREAU OF PRISONS TO
RECOMMENDATIONS IN THE OIG'S
APRIL 2004 REPORT ON THE SELECTION OF
MUSLIM RELIGIOUS SERVICES PROVIDERS

July 2004

**Office of the Inspector General (OIG) Analysis of Response by the
Federal Bureau of Prisons to Recommendations in the OIG's April 2004
Report on the Selection of Muslim Religious Services Providers**

I. Introduction

The Office of the Inspector General (OIG) has analyzed the Federal Bureau of Prisons' (BOP) response to the recommendations contained in the OIG's report entitled, "A Review of the Bureau of Prisons' Selection of Muslim Religious Services Providers" (Report). The OIG Report, issued on May 5, 2004, examined the recruitment, selection, screening, and supervision of individuals who provide Islamic religious services to federal inmates. In our report, we made 16 recommendations to help the BOP improve its process for selecting, screening, and supervising Muslim religious services providers.

On June 7, 2004, the BOP submitted its response to the OIG's recommendations. In this analysis, the OIG evaluates the BOP's response to each of the recommendations. In general, we believe the BOP is taking important steps to implement most of the OIG's recommendations.

In the analysis below, we reproduce the text of the OIG recommendations, followed by the text of the corresponding BOP responses, and then the OIG's analysis of each of these responses.* We are also attaching to this report the BOP's response.

Consistent with our normal practice, when specific action has been taken on a recommendation to fully address the issues raised by the recommendation, we consider the recommendation to be "closed." Where the BOP has indicated a plan or an intention to implement measures in the future to address the recommendation, we consider the recommendation to be "resolved." Where we believe insufficient action has been taken to address the recommendation, we consider the recommendation to be "unresolved."

Recommendation 1

Status: Resolved

OIG Recommendation

The BOP should screen all religious services providers' doctrinal beliefs.

Currently the BOP does not screen religious services providers' religious and doctrinal beliefs. Instead, it relies on the candidates' endorsements to certify

* At the BOP's request, we have "redacted" or blacked out several words or passages in the BOP's response and in our analysis of that response that the BOP believes relate to sensitive security issues that should not be made public.

that they will minister to inmates of all faiths and provide appropriate religious services in a prison setting. However, it is essential to the security of the BOP that candidates who have extreme views and who pose a security threat not be allowed into the prisons.

We recommend the BOP take steps to examine all chaplains', religious contractors', and religious volunteers' doctrinal beliefs to screen out anyone who poses a threat to security. For example, the BOP could ask chaplains, contractors, and Level 2 volunteers doctrinal questions in their interviews and require them to submit a statement of faith with their applications. We recommend that the BOP OGC examine this issue to determine what screening procedures are legally permissible. The BOP's screening of candidates' religious and doctrinal beliefs should be for security purposes only, not to assess the purity of candidates' views or serve as an approval or endorsement of their religious beliefs. The BOP also should develop a list of criteria to use when screening individuals. At the least, this list should include: 1) endorsement of violence, 2) support of terrorism or other anti-U.S. activities, and 3) discrimination against other inmates or exclusion of other inmates from religious services, whether based on race, religion, or other discriminatory factors. In addition, the BOP should consider requesting that OPM's background investigations examine chaplains' past statements and conduct in religious communities.

BOP Response

The Bureau agrees with this recommendation. The BOP's Office of General Counsel (OGC) will examine the recommended screening procedures for chaplains, contractors, and Level 2 volunteers to determine whether it is legally permissible to screen the doctrinal beliefs of religious service providers. Upon completion of the review, OGC will advise and counsel Chaplaincy Services, Human Resource Management, and the Volunteer and Management Branch regarding permissible screening procedures on chaplains, contractors, and volunteers.

Additionally, the BOP has developed further screening criteria to be used during the application process for chaplains, volunteers, and contractors. The screening criteria will be used to ascertain the applicant's position with respect to:

- endorsement of violence,
- support of terrorism,
- advocating the overthrow of the U.S. Government, or
- any discrimination based upon race, color, religion, sex, or national origin (Title VII, Civil Rights Act of 1964)

The Bureau will explore, and petition the Office of Personnel Management (OPM) to expand background investigation questioning of chaplains through use of the OPM SF86 form. Through use of this form the foreign activities, associations, and loyalties of each chaplain candidate may be identified. This investigation form is used exclusively for positions with a need for a higher national security clearance classification. Currently, Bureau chaplains do not require this level of clearance. The target date for completion of this petition is September 30, 2004.

OIG Analysis

We believe the BOP's response is a significant step toward fully implementing this recommendation.

We agree with the BOP's decision to have its Office of General Counsel (OGC) review and advise what screening procedures are legally permissible for chaplains, contractors, and Level 2 volunteers. To close this part of the recommendation, please provide us by October 1, 2004, the OGC's legal determination and the additional screening procedures the BOP will implement as a result of the OGC's conclusions.

We also agree with the BOP's development of further screening criteria to ascertain applicants' positions with respect to endorsing violence; supporting terrorism; advocating the overthrow of the U.S. government; or discriminating based on race, color, religion, sex, or national origin. However, it is unclear from the BOP's response what the new screening criteria will be or how it will be applied during the selection process. To close this part of the recommendation, please provide by October 1, 2004, the precise criteria that will be used and an explanation of how it will be used during the selection process.

Finally, we agree with the BOP's decision to petition the Office of Personnel Management (OPM) to expand background investigation questioning of chaplains through use of OPM form SF86 to better discern their foreign activities, associations, and loyalties. This action also addresses some of the concerns underlying Recommendation 4. However, we encourage the BOP also to petition OPM, as part of the background investigation, to examine chaplains' past statements and conduct in religious communities. To close this part of the recommendation, we request the BOP carefully consider this suggestion, and provide us its response by October 1, 2004.

Recommendation 2

Status: Unresolved

OIG Recommendation

The BOP should require all chaplain, religious contractor, and religious Level 2 volunteer applicants to be interviewed by at least one individual knowledgeable of the applicant's religion. This individual could be a BOP chaplain, BOP official, or member of an interfaith chaplain advisory board created by the BOP for the purpose of interviewing chaplain candidates. However, if the BOP creates an interfaith chaplain advisory board, members of the board must be screened sufficiently to ensure they do not hold views contrary to BOP policy, including advocating violence, supporting terrorism, or discriminating against people of certain races or religions.

BOP Response

The Bureau agrees with this recommendation. All chaplains will be interviewed by a subject matter expert (SME) knowledgeable of the applicant's religious beliefs and practices. A BOP chaplain from each faith will be selected and assigned collateral duties as an SME. In addition to their regular duties, these individuals will be utilized to recruit, screen, and interview prospective religious service providers, develop training, and act as the Bureau's resource on all religious practices related to their specific faith.

New religious service providers will be interviewed by the institution chaplain who will elicit information to assess whether or not the service provider is likely to preach or provide instruction contrary to BOP policy; will advocate violence; support terrorism; or discriminate against others because of their race or religion. Interview responses that elicit questionable information will be forwarded to the religion-specific SME and the local JTTF for review and further vetting. Bureau staff in consultation with the warden will make the final determination, in accordance with the FAR, based upon recommendations of the chaplain and/or the SME. The target date for implementation of this process is October 1, 2004.

OIG Analysis

We believe the BOP's response is a positive step towards implementing this recommendation, but it only partially addresses the concerns underlying our recommendation.

Our review concluded that if a candidate for a religious services position was not interviewed by an individual knowledgeable of the candidate's religion, then the interviewers may not be able to adequately assess the candidate's responses and whether the candidate likely would provide instruction contrary

to BOP policy, advocate violence, support terrorism, or discriminate against others because of their race or religion.

The BOP indicates that all chaplain candidates will be interviewed by a subject matter expert (SME) of the candidate's religion. This addresses our concerns regarding the interviews of Muslim chaplain candidates. However, the BOP proposes that an applicant for other religious services positions will be interviewed initially by the institution chaplain, who may or may not be a chaplain of the applicant's religion. If the institution chaplain believes the candidate's responses are questionable, he or she will forward the responses to the BOP's SME for that candidate's religion and to the Federal Bureau of Investigation's (FBI) local Joint Terrorism Task Force (JTTF) for further review and vetting.

While we agree with the BOP's plan to designate SMEs for religious services providers' religions, we believe that the SMEs, or other individuals knowledgeable of the applicants' religions, should be involved from the outset in the interview and screening process of candidates for religious services positions. Otherwise, it is less likely that an institution chaplain will be able to assess from candidates' responses whether they hold views contrary to BOP policy, and thus unlikely that the institution chaplain will forward the candidates' responses to the SME for further review. For example, a candidate who advocates violence for religious reasons likely will not answer affirmatively the direct question, "Do you advocate violence for religious reasons?" Therefore, we believe the BOP will have to discern candidates' true beliefs from nuances in their responses. We believe these nuances can best be identified and assessed by an SME or other individual knowledgeable of the applicant's religion.

To close this recommendation, we request the BOP consider involving SMEs in the initial interviews of contractors and Level 2 volunteers, and explain how the SMEs for each faith group will complete their additional responsibilities while maintaining their primary job duties. The BOP should provide its response by October 1, 2004.

Recommendation 3

Status: Closed

OIG Recommendation

The BOP should require panel interviews for all religious contractors and Level 2 volunteers. Because of the extensive contact contractors and volunteers have with inmates, we recommend the BOP require contractor and Level 2 volunteer applicants to be interviewed thoroughly by a panel consisting of a chaplain, a security officer, and a human resources official from the BOP institution where the applicants will work. The BOP likely will be able to

screen contractors and volunteers more adequately if they are given more thorough interviews such as the panel interviews given to chaplain candidates.

BOP Response

The Bureau does not agree with this recommendation. There are close to 10,000 level 2 religious volunteers and contractors, an average of approximately 100 per institution. We do not have the resources necessary to conduct panel interviews for the volume of volunteers and contractors who provide religious services/programs in BOP institutions. We believe that the increased scrutiny provided by the revised application materials, coupled with the assistance of SMEs and review by the local JTTF will help to address the same issues that could be derived from panel interviews.

OIG Analysis

Although the BOP has concluded that its current resources do not permit it to conduct panel interviews for all religious contractors and Level 2 volunteers, we agree that the steps it has taken in response to other recommendations will help to address the concerns underlying this recommendation.

Recommendation 4

Status: Resolved

OIG Recommendation

The BOP should implement further security screening requirements for religious services providers. The BOP should ask chaplains and religious contractors whether they have ever received funds from foreign governments. The BOP should ask contractors and Level 2 volunteers to report the professional, civic, and religious organizations in which they hold membership. In addition, the BOP should verify chaplains' foreign travel to determine whether they have spent a significant amount of time in a country that does not have diplomatic relations or treaties with the United States.

BOP Response

The Bureau agrees with this recommendation. The Religious Services Branch has revised the internal security documents for volunteers and contractors (Attachments 1 and 2) to include information on the following:

- professional affiliations;
- civic affiliations;
- religious affiliations;
- foreign travel during the past five years; and
- funding from foreign governments

Responses provided by the prospective religious service providers will be one of the factors used to determine whether or not to award the contract or admit the volunteer. Unfamiliar religious affiliates will be forwarded to the local JTTF for review and recommendation. Bureau staff in consultation with the warden will make the final determination, in accordance with the FAR, based upon recommendations of the local JTTF. The target date for implementation of this process is October 1, 2004.

OIG Analysis

The OIG agrees with the steps the BOP has taken in response to this recommendation. The revised internal security documents for religious services volunteers and contractors will provide the BOP information about the applicants' foreign travel in the last five years; funding from foreign governments; and professional, civic, and religious affiliations. In addition, the BOP will work with local JTTFs to review the applicants' information. We believe these steps will assist the BOP in further screening applicants for religious services positions. The BOP indicated in its response that this enhanced screening process for contractors and volunteers will be implemented by October 1, 2004. To close this recommendation, please provide us an update on the status of implementation by October 1, 2004.

While the BOP's response addresses our recommendation regarding further security screening of contractors and volunteers, it does not address whether chaplains will be required to report whether they ever have received funds from foreign governments or whether the BOP will verify their foreign travel. It is unclear whether these issues will be addressed during chaplains' background investigations (if the OPM agrees with the BOP's request to use background investigations to discern chaplains' foreign activities, associations, and loyalties – Recommendation 1). To close this part of the recommendation, we request the BOP inform us by October 1, 2004, how it plans to determine whether chaplain candidates ever have received funds from foreign governments, and how it plans to verify chaplain candidates' foreign travel.

Recommendation 5

Status: Resolved

OIG Recommendation

The BOP should encourage chaplains to seek information about contractor and volunteer applicants from their local communities. We recommend that the BOP encourage chaplains at institutions hiring contractors and volunteers to seek information from their local communities about individuals applying to be religious services contractors or volunteers.

BOP Response

The Bureau agrees with this recommendation. Institution chaplains/program managers will request a letter of reference from one professional or civic organization, and one religious organization listed on the contractor/volunteer security document. The names of the referring organizations will be forwarded to the local JTTF for review and comment. Bureau staff in consultation with the warden will make the final determination, in accordance with the FAR, based on the information provided by the local JTTF. References will be updated every five years. The target date for implementation of this process is October 1, 2004.

OIG Analysis

Our concern underlying Recommendation 5 was that chaplains at individual institutions could learn information about contractor and volunteer candidates from their local communities that would not be apparent from the candidates' applications or letters of endorsement. We believe the BOP has addressed this concern by requesting letters of reference from one professional or civic organization, and one religious organization listed by volunteers and contractors on the revised internal security documents.

We further agree with the BOP's decision to have the local JTTF review and comment on the organizations that provide references. This will provide the BOP with further information that could assist it in screening candidates for security purposes.

It is not clear from the BOP's response, however, whether the religious organization that provides a letter of reference must be different from the local organization that provides an endorsement of the candidate. We believe the BOP should obtain letters of reference from two organizations *in addition to* the endorsement from the local endorsing organization.

To close this recommendation, please clarify whether the BOP is requiring a letter of reference from a religious organization in addition to the endorsement from the endorsing organization. In addition, please provide us an update on the status of implementation of this recommendation by October 1, 2004.

Recommendation 6

Status: Resolved

OIG Recommendation

The BOP should take steps to improve and increase the information flow between the BOP and the FBI. Our review indicated that the information flow between the FBI and the BOP regarding the radicalization and recruitment of

inmates needs improvement. While the recent creation of the Joint Intelligence Coordinating Council (JICC) might help improve FBI-BOP information sharing on inmate radicalization issues, we believe that additional steps need to be taken to further improve information flow. We recommend that the BOP not rely exclusively on the BOP detailee to the NJTTF or the creation of the JICC for this information flow, but consider assigning a liaison to the FBI, like other agencies do, to improve the exchange of information about the radicalization and recruitment of inmates. In addition, we recommend that BOP officials meet periodically with FBI officials regarding joint efforts to prevent the radicalization of inmates.

BOP Response

The Bureau agrees with this recommendation. An additional staff member will be assigned as liaison with the FBI. Additionally, periodic meetings have already been initiated with the FBI to discuss efforts to prevent the recruitment and radicalization of Bureau inmates. The target date for selection of the additional liaison is October 1, 2004.

OIG Analysis

The BOP plans on assigning an additional staff member to serve as liaison to the FBI to improve and increase the information flow between the BOP and the FBI. In addition, the BOP has initiated periodic meetings with the FBI to discuss efforts to prevent the recruitment and radicalization of inmates. To close this recommendation, please provide us by October 1, 2004, an update on the BOP's efforts to select the additional FBI liaison, a detailed description of the liaison's responsibilities, and how the liaison's work will improve information sharing. In addition, please inform us by October 1 what meetings have occurred between BOP and FBI officials regarding joint efforts to prevent the radicalization of inmates.

Recommendation 7

Status: Resolved

OIG Recommendation

The BOP should more effectively use the expertise of its current Muslim chaplains to screen, recruit, and supervise Muslim religious services providers. The BOP should utilize its Muslim chaplains more effectively by having them review the applications, references, and endorsements of potential Muslim chaplains, contractors, and volunteers. We also recommend the BOP consider having at least one Muslim chaplain serve on the interview panel for Muslim chaplain candidates.

BOP Response

The Bureau agrees with this recommendation. The Religious Services Branch will announce, fill, and fund travel for a collateral duty Islamic SME position. Duties will include recruitment, screening, and interviewing prospective Islamic religious service providers, development of staff training modules, and other duties as assigned. The target date for implementation of this process is October 1, 2004.

OIG Analysis

The BOP plans to select an Islamic SME who will be involved in recruiting, screening, and interviewing applicants for Muslim religious services provider positions. We believe this process will address some of the concerns underlying our recommendation.

However, we are concerned that assigning collateral Islamic SME duties to a single chaplain could foreclose consultations with and participation by the other chaplains. For example, in our review we found that one Muslim chaplain knew BOP contractor Warith Deen Umar in a professional setting several years before Umar joined the BOP, and the chaplain could have informed the BOP that Umar did not hold mainstream Islam values had he known at the time of Umar's application that the BOP was considering hiring him as a contractor. We believe that the BOP can benefit significantly from the collective knowledge and experience of its current Muslim chaplains. We also believe that the BOP's procedures for the recruitment, screening, and supervision of Muslim religious services personnel should draw on the expertise of more than one of its chaplains.

To close this recommendation, please provide us by October 1, 2004, an update on the status of the use of an Islamic SME in recruiting, screening, and interviewing Muslim religious services providers, and whether the responsibilities of the SME will include consultation with other BOP Muslim chaplains.

Recommendation 8

Status: Unresolved

OIG Recommendation

The BOP should develop a strategy specifically targeted towards recruiting Muslim religious services providers. Currently the BOP does not have enough Muslim chaplains, contractors, and volunteers compared to the size of its Muslim inmate population. As a result, inmates are leading religious services, which presents prison security and national security concerns. Recruiting qualified Muslim religious services providers could reduce inmate-

led services, Prison Islam, and radicalization. We recommend that the BOP develop a strategy specifically for recruiting Muslim chaplains, contractors, and volunteers. For this strategy, the BOP should consider having BOP personnel reach out more to Muslim communities or enabling Muslim chaplains to spend part of their work hours recruiting.

BOP Response

The Bureau agrees with this recommendation. The BOP includes in its specific recruitment strategy for Islamic religious providers, the advertisement of openings in various respected Islamic organizations, referrals by BOP Muslim chaplains, and the application of age waivers to employ qualified Islamic chaplains who exceed the statutory age requirements. The BOP also accepts graduate level equivalencies to the Master of Divinity professional degree, maintains cordial ties with Islamic academicians, and has developed a strategy for allowing the appointment of Islamic chaplains without benefit of a national endorsing body. (See the response to Recommendation 9 below.) We request this recommendation be closed.

OIG Analysis

As evidence of having a strategy specifically targeted towards recruiting Muslim religious services providers, the BOP states that it advertises vacancies with Islamic organizations, receives referrals from BOP Muslim chaplains, waives age requirements for qualified Muslim chaplain candidates, and accepts graduate level equivalencies to the Master of Divinity professional degree required for chaplain candidates. However, the BOP engaged in each of these practices before our review. Moreover, these practices are not specific to Muslim religious services providers, but are used by the BOP to recruit chaplains of all faiths.

Our review found that despite these recruiting tactics, the BOP was unable to recruit enough Muslim chaplains, contractors, and volunteers to serve its Muslim inmate population. Our concern underlying this recommendation was that the BOP should make special efforts to recruit Muslim religious services providers in order to reduce its current deficit of Muslim chaplains. The recruiting tactics the BOP lists in its response to date have been unsuccessful at reducing the BOP's lack of sufficient Muslim religious services providers.

To close this recommendation, we request that by October 1, 2004, the BOP implement additional strategies to specifically recruit Muslim religious services providers. For example, the BOP should consider having BOP personnel, in addition to the Chief of the Chaplaincy Services Branch, reach out more frequently to Muslim communities. The BOP also should consider enabling all Muslim chaplains, not just the SME, to spend part of their work hours recruiting Muslim religious services providers.

Recommendation 9

Status: Resolved

OIG Recommendation

The BOP should consider implementing alternative endorsement requirements for Muslim chaplains. Presently the BOP is experiencing a hiring freeze on Muslim chaplains because it will not accept endorsements from any Islamic organizations until it receives information on those organizations from the FBI. In addition, no other national organization besides the ISNA is authorized to endorse Muslim chaplains. Moreover, the BOP will not hire chaplains who have endorsements from national organizations about which the FBI has derogatory information. We recommend the BOP consider developing alternative endorsing requirements for Muslim chaplains, such as permitting endorsements from local or regional organizations in specific situations.

BOP Response

The Bureau agrees with this recommendation. The Bureau has exempted Islamic candidates from the required national endorsement. In lieu of the endorsement, staff now request a letter of reference from a local religious organization with which the Islamic candidate is affiliated. The letter of reference and vetting form are in addition to the personal and professional letters of reference currently required by policy. The local religious organization providing a professional reference will be screened through the local JTTF. The target date for implementation of the screening process is October 1, 2004.

OIG Analysis

We believe the BOP's response addresses the concerns underlying our recommendation. By exempting Muslim chaplains from producing national endorsements, the BOP opens opportunities for more Muslims to apply for chaplain vacancies. Furthermore, by screening local Muslim endorsing organizations through the local JTTF, the BOP can better determine whether the organization poses a security concern or is connected to terrorism.

To close this recommendation, please provide us by October 1, 2004, an update on implementation of the alternative endorsement process for Muslim chaplain candidates.

Recommendation 10

Status: Unresolved

OIG Recommendation

The BOP should evaluate the feasibility of having correctional officers provide intermittent supervision to all chapels to supplement the supervision provided by chaplaincy staff. As a further means to enhance supervision of religious services, the BOP should evaluate the cost, legality, and feasibility of audio and video monitoring to include all worship areas and chapel classrooms. With few exceptions, individuals who lead religious services in BOP facilities are subject to only limited supervision. As a result, once contractors and volunteers gain access to BOP facilities, ample opportunity exists for them to deliver inappropriate messages without direct supervision from BOP staff members. Our fieldwork identified significant differences in the level of support provided to chaplains by correctional officers. We also observed that video coverage of BOP chapels varies by institution, and that audio monitoring is not employed. We believe that the BOP should evaluate options to make chapel supervision more thorough and consistent Bureau-wide.

BOP Response

The Bureau agrees with this recommendation. Religious Services policy has been changed to include a section on supervision of inmates (Attachment 3). This section describes the levels of staff or electronic supervision required for:

- inmate-led groups: [REDACTED];
- programs led by Level I volunteers: [REDACTED];
- programs led by Level II volunteers and contractors: [REDACTED];
- special programs, e.g., choir presentations, seminars: [REDACTED]

We request this recommendation be closed.

OIG Analysis

The BOP has taken steps to make chapel supervision more thorough and consistent BOP-wide by amending BOP Program Statement (P.S.) 5360 to include a section specifying how inmates are to be supervised. We believe these amendments address in part the concerns underlying our recommendation.

However, the BOP's response does not mention what steps will be taken to ensure that correctional officers, not chaplains or other staff, are consistently

involved in the supervision of Chaplaincy Service activities. As described in our report and recommendations, our review identified significant differences in the level of support provided to Chaplaincy Services by correctional officers.

In addition, the BOP has not addressed whether it intends to evaluate the feasibility of introducing audio monitoring and additional video monitoring in facility worship areas and chapel classrooms.

The amended P.S. 5360 is pending final approval and clearance before it becomes official. To close this recommendation, please provide us by October 1, 2004, an update on implementation of the amended P.S. 5360, [REDACTED]

[REDACTED]

Recommendation 11

Status: Resolved

OIG Recommendation

The BOP should limit and more closely supervise inmate-led religious services. Inmates are radicalized primarily by other inmates. We do not believe that it is appropriate for inmates to assume leadership positions in BOP facilities, including the position of surrogate chaplain. We recommend that the BOP take steps to reduce inmate-led religious services. For example, in facilities where inmates presently are leading Juma services, the BOP should evaluate the alternative of providing Internet video feeds to chapel areas for Juma prayer by a BOP Muslim chaplain. The BOP also should consider requiring inmate-led services to be monitored by staff constantly rather than intermittently.

BOP Response

The Bureau agrees with this recommendation. The level of supervision of inmate religious groups in secure facilities will follow guidelines for religious programs involving worship, study, or meetings. [REDACTED]

[REDACTED]. BOP Islamic chaplains will provide Jumah resource materials. Video/audio media will be authorized by the SME's for study programming. Internet video feeds to chapel areas for religious services are not feasible at this time. The use of such feeds would not fulfill the religious obligation for Islamic Jumah prayer services. The target date for full implementation of this process is October 1, 2004.

OIG Analysis

We believe the BOP's response addresses our recommendation. To close this recommendation, please provide us by October 1, 2004, an update on the status of implementation of these new processes, and an explanation for why the use of video feeds is not feasible at this time.

Recommendation 12

Status: Resolved

OIG Recommendation

The BOP should provide its staff with training on Islam. Supervisory correctional officers and BOP managers advised us that many correctional officers are not familiar with Islam, and that this lack of knowledge may limit their ability to recognize radical Islamist messages that are inappropriate in BOP facilities. At a minimum, we believe that the BOP should provide basic training to its staff members who supervise Muslim religious services so that they will be familiar with accepted prayer and service rituals, understand Islamic terminology, and recognize messages that violate BOP security policy.

BOP Response

The Bureau agrees with this recommendation. All BOP captains will receive the recommended training in August 2004. During this training they will be provided with training materials for local use.

All institution staff will receive training during Annual Refresher Training in 2005, on the accommodation of Islamic beliefs and practices and appropriate uses of Arabic in the correctional environment. During this training, all staff will receive a ready reference glossary of common Islamic terminology used in religious practice. The target date for completion of the staff training is April 30, 2005.

OIG Analysis

We believe the BOP's response addresses our recommendation. To close this recommendation, please provide us by October 1, 2004, the training materials given to all BOP captains at the August 2004 training, and an update on the training the BOP plans to provide all staff at the Annual Refresher Training in 2005.

Recommendation 13

Status: Resolved

OIG Recommendation

To improve supervision practices in facilities that do not have a Muslim chaplain, the BOP should encourage staff members from those facilities to consult with the BOP Muslim chaplains to address potential or actual radicalization problems. Our review found that the BOP is not fully using the expertise of its staff Muslim chaplains. These individuals have knowledge and abilities that can and should be used to assist the BOP to address radical influences.

BOP Response

The Bureau agrees with this recommendation. An Islamic chaplain will be identified and trained as a SME for Islamic issues. All Bureau chaplains will be notified and encouraged to utilize the expertise available through the SME. The target date for selection of the Islamic SME is October 1, 2004.

OIG Analysis

We believe the BOP's response addresses our recommendation. To close this recommendation, please provide us by October 1, 2004, an update on the status of the selection of the Islamic SME.

Recommendation 14

Status: Resolved

OIG Recommendation

The BOP should include in contractors' SOWs the themes and topics on which they should focus. The BOP should provide contractors guidance on what they are to teach during religious services by including topics and themes to be discussed with inmates in contractors' SOWs. The SOWs also should include specific things contractors are not allowed to say as part of their messages, such as statements that support violence, denigrate the United States, or disparage other inmates or other faith groups.

BOP Response

The Bureau agrees with this recommendation. Bureau chaplains will submit general topics or themes to be included in contractors' SOWs to the respective SME. The SMEs will make the final recommendation for topics to be included and/or excluded in the SOWs. At a minimum, future SOWs will specifically indicate that statements that support violence, advocate the violent overthrow

of the government of the United States, or disparage other inmates or other faith groups are not allowed. The target date for initiation of this process is October 1, 2004.

OIG Analysis

We believe the BOP's response addresses our recommendation. To close this recommendation, please provide us by October 1, 2004, an update on implementation of the process for including SMEs in the development of contractors' SOWs.

Recommendation 15

Status: Resolved

OIG Recommendation

The BOP should conduct an inventory of chapel books and videos and re-screen them to confirm that they are permissible under BOP security policies. The BOP should consider maintaining a central registry of acceptable material to prevent duplication of effort when reviewing these materials. Of the institutions we visited, several did not have an inventory of the books currently available to the inmates, and none of the collections had been re-screened since the September 11 terrorist attacks.

BOP Response

The Bureau agrees with this recommendation. Staff will complete an inventory of current print and audio-video materials and review the materials for endorsement of violence, support for domestic or foreign terrorism, or any discrimination based upon race, color, religion, gender or national origin. The Religious Services Branch will provide an automated list of materials appropriate for circulation in a correctional environment. Chaplains will be advised to use the automated list for future library acquisitions. The target date for completion of the inventory and central registry is June 1, 2005.

OIG Analysis

We believe the BOP's response addresses our recommendation. To close this recommendation, please provide us by October 1, 2004, an update on the screening of print and audio-video materials and the creation of the inventory and central registry.

Recommendation 16

Status: Resolved

OIG Recommendation

BOP facilities should maintain a liaison with their local JTTF. BOP facilities should be fully integrated into local counterterrorism initiatives. Our review revealed that not all BOP facilities are working closely with their local JTTF.

BOP Response

The Bureau agrees with this recommendation. Each institution will be reminded of the requirement to develop liaison efforts with their local JTTF and will be required to certify in writing this has been accomplished. The target date for submission of the certification documentation is October 1, 2004.

OIG Analysis

We believe the BOP's response addresses our recommendation. To close this recommendation, please provide us by October 1, 2004, an update on institutions' submissions of the certification documentation.



U.S. Department of Justice

Federal Bureau of Prisons

Office of the Director

Washington, DC 20534

July 12, 2004

MEMORANDUM FOR GLENN A. FINE
INSPECTOR GENERAL

FROM:


Harley G. Lappin
Director

SUBJECT:

Response to the Office of the Inspector General's
(OIG) Final Report: A Review of the Federal
Bureau of Prisons' Selection of Muslim Religious
Services Providers

The Bureau of Prisons (BOP) appreciates the opportunity to respond to the recommendations from the OIG's final report entitled A Review of the Federal Bureau of Prisons' Selection of Muslim Religious Service Providers.

Our comments to the recommendations, modified on July 9, 2004, are provided below.

Recommendation #1: The BOP should screen all religious services providers' doctrinal beliefs. Currently the BOP does not screen religious services providers' religious and doctrinal beliefs. Instead, it relies on the candidates' endorsements to certify that they will minister to inmates of all faiths and provide appropriate religious services in a prison setting. However, it is essential to the security of the BOP that candidates who have extreme views and who pose a security threat not be allowed into the prisons.

We recommend the BOP take steps to examine all chaplains', religious contractors', and religious volunteers' doctrinal beliefs to screen out anyone who poses a threat to security. For example, the BOP could ask chaplains, contractors, and Level 2 volunteers doctrinal questions in their interviews and require

them to submit a statement of faith with their applications. We recommend that the BOP OGC examine this issue to determine what screening procedures are legally permissible. The BOP's screening of candidates' religious and doctrinal beliefs should be for security purposes only, not to assess the purity of candidates' views or serve as an approval or endorsement of their religious beliefs. The BOP also should develop a list of criteria to use when screening individuals. At the least, this list should include: 1) endorsement of violence, 2) support of terrorism or other anti-U.S. activities, and 3) discrimination against other inmates or exclusion of other inmates from religious services, whether based on race, religion, or other discriminatory factors. In addition, the BOP should consider requesting that OPM's background investigations examine chaplains' past statements and conduct in religious communities.

Response: The Bureau agrees with this recommendation. The BOP's Office of General Counsel (OGC) will examine the recommended screening procedures for chaplains, contractors, and Level 2 volunteers to determine whether it is legally permissible to screen the doctrinal beliefs of religious service providers. Upon completion of the review, OGC will advise and counsel Chaplaincy Services, Human Resource Management, and the Volunteer and Management Branch regarding permissible screening procedures on chaplains, contractors, and volunteers.

Additionally, the BOP has developed further screening criteria to be used during the application process for chaplains, volunteers, and contractors. The screening criteria will be used to ascertain the applicant's position with respect to:

- endorsement of violence,
- support of terrorism,
- advocating the overthrow of the U.S. Government, or
- any discrimination based upon race, color, religion, sex, or national origin (Title VII, Civil Rights Act of 1964)

The Bureau will explore, and petition the Office of Personnel Management (OPM) to expand background investigation questioning of chaplains through use of the OPM SF86 form. Through use of this form the foreign activities, associations, and loyalties of each chaplain candidate may be identified. This investigation form is used exclusively for positions with a need for a higher national security clearance classification. Currently, Bureau chaplains do not require this level of clearance. The target date for completion of this petition is September 30, 2004.

Recommendation #2: The BOP should require all chaplain, religious contractor, and religious Level 2 volunteer applicants to be interviewed by at least one individual knowledgeable of the applicant's religion. This individual could be a BOP chaplain, BOP official, or member of an interfaith chaplain advisory board created by the BOP for the purpose of interviewing chaplain candidates. However, if the BOP creates an interfaith chaplain advisory board, members of the board must be screened sufficiently to ensure they do not hold views contrary to BOP policy, including advocating violence, supporting terrorism, or discriminating against people of certain races or religions.

Response: The Bureau agrees with this recommendation. All chaplains will be interviewed by a subject matter expert (SME) knowledgeable of the applicant's religious beliefs and practices. A BOP chaplain from each faith will be selected and assigned collateral duties as an SME. In addition to their regular duties, these individuals will be utilized to recruit, screen, and interview prospective religious service providers, develop training, and act as the Bureau's resource on all religious practices related to their specific faith.

New religious service providers will be interviewed by the institution chaplain who will elicit information to assess whether or not the service provider is likely to preach or provide instruction contrary to BOP policy; will advocate violence; support terrorism; or discriminate against others because of their race or religion. Interview responses that elicit questionable information will be forwarded to the religion-specific SME and the local JTTF for review and further vetting. Bureau staff in consultation with the warden will make the final determination, in accordance with the FAR, based upon recommendations of the chaplain and/or the SME. The target date for implementation of this process is October 1, 2004.

Recommendation #3: The BOP should require panel interviews for all religious contractors and Level 2 volunteers. Because of the extensive contact contractors and volunteers have with inmates, we recommend the BOP require contractor and Level 2 volunteer applicants to be interviewed thoroughly by a panel consisting of a chaplain, a security officer, and a human resources official from the BOP institution where the applicants will work. The BOP likely will be able to screen contractors and volunteers more adequately if they are given more thorough interviews such as the panel interviews given to chaplain candidates.

Response: The Bureau does not agree with this recommendation. There are close to 10,000 level 2 religious volunteers and

contractors, an average of approximately 100 per institution. We do not have the resources necessary to conduct panel interviews for the volume of volunteers and contractors who provide religious services/programs in BOP institutions. We believe that the increased scrutiny provided by the revised application materials, coupled with the assistance of SMEs and review by the local JTTF will help to address the same issues that could be derived from panel interviews.

Recommendation #4: The BOP should implement further security screening requirements for religious services providers. The BOP should ask chaplains and religious contractors whether they have ever received funds from foreign governments. The BOP should ask contractors and Level 2 volunteers to report the professional, civic, and religious organizations in which they hold membership. In addition, the BOP should verify chaplains' foreign travel to determine whether they have spent a significant amount of time in a country that does not have diplomatic relations or treaties with the United States.

Response: The Bureau agrees with this recommendation. The Religious Services Branch has revised the internal security documents for volunteers and contractors (Attachments 1 and 2) to include information on the following:

- professional affiliations;
- civic affiliations;
- religious affiliations;
- foreign travel during the past five years; and
- funding from foreign governments

Responses provided by the prospective religious service providers will be one of the factors used to determine whether or not to award the contract or admit the volunteer. Unfamiliar religious affiliates will be forwarded to the local JTTF for review and recommendation. Bureau staff in consultation with the warden will make the final determination, in accordance with the FAR, based upon recommendations of the local JTTF. The target date for implementation of this process is October 1, 2004.

Recommendation #5: The BOP should encourage chaplains to seek information about contractor and volunteer applicants from their local communities. We recommend that the BOP encourage chaplains at institutions hiring contractors and volunteers to seek information from their local communities about individuals applying to be religious services contractors or volunteers.

Response: The Bureau agrees with this recommendation. Institution chaplains/program managers will request a letter of reference from one professional or civic organization, and one religious organization listed on the contractor/volunteer security document. The names of the referring organizations will be forwarded to the local JTTF for review and comment. Bureau staff in consultation with the warden will make the final determination, in accordance with the FAR, based on the information provided by the local JTTF. References will be updated every five years. The target date for implementation of this process is October 1, 2004.

Recommendation #6: The BOP should take steps to improve and increase the information flow between the BOP and the FBI. Our review indicated that the information flow between the FBI and the BOP regarding the radicalization and recruitment of inmates needs improvement. While the recent creation of the Joint Intelligence Coordinating Council (JICC) might help improve FBI-BOP information sharing on inmate radicalization issues, we believe that additional steps need to be taken to further improve information flow. We recommend that the BOP not rely exclusively on the BOP detailee to the NJTTF or the creation of the JICC for this information flow, but consider assigning a liaison to the FBI, like other agencies do, to improve the exchange of information about the radicalization and recruitment of inmates. In addition, we recommend that BOP officials meet periodically with FBI officials regarding joint efforts to prevent the radicalization of inmates.

Response: The Bureau agrees with this recommendation. An additional staff member will be assigned as liaison with the FBI. Additionally, periodic meetings have already been initiated with the FBI to discuss efforts to prevent the recruitment and radicalization of Bureau inmates. The target date for selection of the additional liaison is October 1, 2004.

Recommendation #7: The BOP should more effectively use the expertise of its current Muslim chaplains to screen, recruit, and supervise Muslim religious services providers. The BOP should utilize its Muslim chaplains more effectively by having them review the applications, references, and endorsements of potential Muslim chaplains, contractors, and volunteers. We also recommend the BOP consider having at least one Muslim chaplain serve on the interview panel for Muslim chaplain candidates.

Response: The Bureau agrees with this recommendation. The Religious Services Branch will announce, fill, and fund travel for a collateral duty Islamic SME position. Duties will include

recruitment, screening, and interviewing prospective Islamic religious service providers, development of staff training modules, and other duties as assigned. The target date for implementation of this process is October 1, 2004.

Recommendation #8: The BOP should develop a strategy specifically targeted towards recruiting Muslim religious services providers. Currently the BOP does not have enough Muslim chaplains, contractors, and volunteers compared to the size of its Muslim inmate population. As a result, inmates are leading religious services, which presents prison security and national security concerns. Recruiting qualified Muslim religious services providers could reduce inmate-led services, Prison Islam, and radicalization. We recommend that the BOP develop a strategy specifically for recruiting Muslim chaplains, contractors, and volunteers. For this strategy, the BOP should consider having BOP personnel reach out more to Muslim communities or enabling Muslim chaplains to spend part of their work hours recruiting.

Response: The Bureau agrees with this recommendation. The BOP includes in its specific recruitment strategy for Islamic religious providers, the advertisement of openings in various respected Islamic organizations, referrals by BOP Muslim chaplains, and the application of age waivers to employ qualified Islamic chaplains who exceed the statutory age requirements. The BOP also accepts graduate level equivalencies to the Master of Divinity professional degree, maintains cordial ties with Islamic academicians, and has developed a strategy for allowing the appointment of Islamic chaplains without benefit of a national endorsing body. (See the response to Recommendation 9 below.) We request this recommendation be closed.

Recommendation #9: The BOP should consider implementing alternative endorsement requirements for Muslim chaplains. Presently the BOP is experiencing a hiring freeze on Muslim chaplains because it will not accept endorsements from any Islamic organizations until it receives information on those organizations from the FBI. In addition, no other national organization besides the ISNA is authorized to endorse Muslim chaplains. Moreover, the BOP will not hire chaplains who have endorsements from national organizations about which the FBI has derogatory information. We recommend the BOP consider developing alternative endorsing requirements for Muslim chaplains, such as permitting endorsements from local or regional organizations in specific situations.

Response: The Bureau agrees with this recommendation. The Bureau has exempted Islamic candidates from the required national endorsement. In lieu of the endorsement, staff now request a letter of reference from a local religious organization with which the Islamic candidate is affiliated. The letter of reference and vetting form are in addition to the personal and professional letters of reference currently required by policy. The local religious organization providing a professional reference will be screened through the local JTTF. The target date for implementation of the screening process is October 1, 2004.

Recommendation #10: The BOP should evaluate the feasibility of having correctional officers provide intermittent supervision to all chapels to supplement the supervision provided by chaplaincy staff. As a further means to enhance supervision of religious services, the BOP should evaluate the cost, legality, and feasibility of audio and video monitoring to include all worship areas and chapel classrooms. With few exceptions, individuals who lead religious services in BOP facilities are subject to only limited supervision. As a result, once contractors and volunteers gain access to BOP facilities, ample opportunity exists for them to deliver inappropriate messages without direct supervision from BOP staff members. Our fieldwork identified significant differences in the level of support provided to chaplains by correctional officers. We also observed that video coverage of BOP chapels varies by institution, and that audio monitoring is not employed. We believe that the BOP should evaluate options to make chapel supervision more thorough and consistent Bureau-wide.

Response: The Bureau agrees with this recommendation. Religious Services policy has been changed to include a section on supervision of inmates (Attachment 3). This section describes the levels of staff or electronic supervision required for:

- inmate-led groups: [REDACTED]
- programs led by Level I volunteers: [REDACTED];
- programs led by Level II volunteers and contractors: [REDACTED];
- special programs, e.g., choir presentations, seminars: [REDACTED]

We request this recommendation be closed.

Recommendation #11: The BOP should limit and more closely supervise inmate-led religious services. Inmates are radicalized primarily by other inmates. We do not believe that it is

appropriate for inmates to assume leadership positions in BOP facilities, including the position of surrogate chaplain. We recommend that the BOP take steps to reduce inmate-led religious services. For example, in facilities where inmates presently are leading Juma services, the BOP should evaluate the alternative of providing Internet video feeds to chapel areas for Juma prayer by a BOP Muslim chaplain. The BOP also should consider requiring inmate-led services to be monitored by staff constantly rather than intermittently.

Response: The Bureau agrees with this recommendation. The level of supervision of inmate religious groups in secure facilities will follow guidelines for religious programs involving worship, study, or meetings. [REDACTED]

[REDACTED] BOP Islamic chaplains will provide Jumah resource materials. Video/audio media will be authorized by the SME's for study programming. Internet video feeds to chapel areas for religious services are not feasible at this time. The use of such feeds would not fulfill the religious obligation for Islamic Jumah prayer services. The target date for full implementation of this process is October 1, 2004.

Recommendation #12: The BOP should provide its staff with training on Islam. Supervisory correctional officers and BOP managers advised us that many correctional officers are not familiar with Islam, and that this lack of knowledge may limit their ability to recognize radical Islamist messages that are inappropriate in BOP facilities. At a minimum, we believe that the BOP should provide basic training to its staff members who supervise Muslim religious services so that they will be familiar with accepted prayer and service rituals, understand Islamic terminology, and recognize messages that violate BOP security policy.

Response: The Bureau agrees with this recommendation. All BOP captains will receive the recommended training in August 2004. During this training they will be provided with training materials for local use.

All institution staff will receive training during Annual Refresher Training in 2005, on the accommodation of Islamic beliefs and practices and appropriate uses of Arabic in the correctional environment. During this training, all staff will receive a ready reference glossary of common Islamic terminology used in religious practice. The target date for completion of the staff training is April 30, 2005.

Recommendation #13: To improve supervision practices in facilities that do not have a Muslim chaplain, the BOP should encourage staff members from those facilities to consult with the BOP Muslim chaplains to address potential or actual radicalization problems. Our review found that the BOP is not fully using the expertise of its staff Muslim chaplains. These individuals have knowledge and abilities that can and should be used to assist the BOP to address radical influences.

Response: The Bureau agrees with this recommendation. An Islamic chaplain will be identified and trained as a SME for Islamic issues. All Bureau chaplains will be notified and encouraged to utilize the expertise available through the SME. The target date for selection of the Islamic SME is October 1, 2004.

Recommendation #14: The BOP should include in contractors' SOWs the themes and topics on which they should focus. The BOP should provide contractors guidance on what they are to teach during religious services by including topics and themes to be discussed with inmates in contractors' SOWs. The SOWs also should include specific things contractors are not allowed to say as part of their messages, such as statements that support violence, denigrate the United States, or disparage other inmates or other faith groups.

Response: The Bureau agrees with this recommendation. Bureau chaplains will submit general topics or themes to be included in contractors' SOWs to the respective SME. The SMEs will make the final recommendation for topics to be included and/or excluded in the SOWs. At a minimum, future SOWs will specifically indicate that statements that support violence, advocate the violent overthrow of the government of the United States, or disparage other inmates or other faith groups are not allowed. The target date for initiation of this process is October 1, 2004.

Recommendation #15: The BOP should conduct an inventory of chapel books and videos and re-screen them to confirm that they are permissible under BOP security policies. The BOP should consider maintaining a central registry of acceptable material to prevent duplication of effort when reviewing these materials. Of the institutions we visited, several did not have an inventory of the books currently available to the inmates, and none of the collections had been re-screened since the September 11 terrorist attacks.

Response: The Bureau agrees with this recommendation. Staff will complete an inventory of current print and audio-video materials and review the materials for endorsement of violence, support for domestic or foreign terrorism, or any discrimination based upon race, color, religion, gender or national origin. The Religious Services Branch will provide an automated list of materials appropriate for circulation in a correctional environment. Chaplains will be advised to use the automated list for future library acquisitions. The target date for completion of the inventory and central registry is June 1, 2005.

Recommendation #16: BOP facilities should maintain a liaison with their local JTTF. BOP facilities should be fully integrated into local counterterrorism initiatives. Our review revealed that not all BOP facilities are working closely with their local JTTF.

Response: The Bureau agrees with this recommendation. Each institution will be reminded of the requirement to develop liaison efforts with their local JTTF and will be required to certify in writing this has been accomplished. The target date for submission of the certification documentation is October 1, 2004.

If you have any questions regarding this response, please contact Michael W. Garrett, Senior Deputy Assistant Director, Program Review Division, at (202) 616-2099.