

A Review of the Federal Bureau of Prisons' Selection of Muslim Religious Services Providers



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A REVIEW OF THE BUREAU OF PRISONS' SELECTION OF MUSLIM RELIGIOUS SERVICES PROVIDERS

I. INTRODUCTION

This report describes the Office of the Inspector General's (OIG) review of the Federal Bureau of Prisons' (BOP) policies and procedures for the selection of individuals who provide Islamic religious services to federal inmates. On March 10, 2003, Senator Charles Schumer wrote a letter to the OIG requesting that we examine the BOP's process for selecting Muslim chaplains based on concerns that the BOP relies solely on two Islamic groups to endorse its Muslim chaplains, the Islamic Society of North America (ISNA) and the Graduate School of Islamic and Social Sciences (GSISS). Schumer noted that the ISNA and the GSISS allegedly are connected to terrorism and promote Wahhabism, which some consider an exclusionary and extreme form of Islam. In addition to Senator Schumer, Senators Jon Kyl and Dianne Feinstein expressed similar concerns and asked the OIG to examine these issues as they relate to the BOP.

In response to these requests, we reviewed the recruitment, endorsement, selection, and supervision of Muslim chaplains and other Muslim religious services providers who work with BOP inmates. We also examined the roles the ISNA, the GSISS, and other organizations have in the endorsement of chaplain candidates.

During this review, the OIG interviewed the BOP's ten Muslim chaplains, the BOP detailee to the Federal Bureau of Investigation's (FBI) National Joint Terrorism Task Force (NJTTF), and officials at BOP Headquarters who are responsible for religious services providers, including the Chief of the Chaplaincy Services Branch and the Senior Deputy Assistant Director (SDAD) of the Correctional Programs Division. We also interviewed FBI counterterrorism officials and representatives of the U.S. Commission on International Religious Freedom at the U.S. Department of State (Commission).

In addition, we visited low, medium, and high security BOP institutions, where we interviewed prison officials, examined the chaplaincy programs, and observed Muslim religious services. These facilities included the Federal Correctional Institution (FCI) in Fort Dix, New Jersey; the FCI in Fairton, New Jersey; the United States Penitentiary (USP) in Allenwood, Pennsylvania; and the USP in Lewisburg, Pennsylvania. We also met with analysts specializing in Middle East affairs at the Congressional Research Service, including the author of the December 2003 report, *The Islamic Traditions of*

Wahhabism and Salafiyya, and representatives of the Department of Defense (DOD) OIG regarding its examination of the DOD's chaplaincy selection process.

This report describes the results of our review. It first provides a brief background on Islam, Wahhabism, and the BOP's provision of religious services to inmates. It then describes the BOP's selection of Muslim chaplains and other religious services providers, including their recruitment, application process, and security screening. We next discuss BOP endorsing organizations, their relationships with the BOP, and the steps the BOP and FBI have taken to assess whether these organizations are extremist or affiliated with terrorists. The report then examines issues related to the supervision of religious services providers once they are allowed into BOP correctional institutions. Finally, the report provides our analysis and recommendations.

In sum, our review revealed deficiencies in how the BOP selects and supervises Muslim religious services providers. These problems include:

- the BOP typically does not examine the doctrinal beliefs of applicants for religious service positions to determine whether those beliefs are inconsistent with BOP security policies;
- the BOP and the FBI have not adequately exchanged information regarding the BOP's Muslim endorsing organizations;
- because the BOP currently has no national Islamic organizations willing or able to provide endorsements for its Muslim chaplain candidates, the BOP's hiring of new Muslim chaplains is effectively frozen, resulting in a shortage of Muslim chaplains within the BOP;¹
- the BOP does not effectively use the expertise of its current Muslim chaplains to screen, recruit, and supervise Muslim religious service providers;

¹ With regard to the ISNA and the GSISS, the BOP currently is not accepting endorsements from the ISNA, and the GSISS has never provided endorsements to the BOP. Our review did not independently examine these organizations' sources of funding or whether they have terrorism-related connections. This type of counterterrorism review would be conducted by the FBI. However, the OIG has prepared a classified addendum to this report that provides more information about organizations and individuals that were determined by the FBI to be "of interest." This classified addendum has been given to members of Congress and BOP officials.

- once contractors and certain volunteers gain access to BOP facilities, ample opportunity exists for them to deliver inappropriate and extremist messages without supervision from BOP staff members;
- BOP inmates often lead Islamic religious services, subject only to intermittent supervision from BOP staff members, which enhances the likelihood that inappropriate content can be delivered to inmates; and
- within the BOP's chapels, significant variations exist in the level of supervision provided by correctional officers.

II. BACKGROUND

A. Islam

Islam is a monotheistic faith that arose in the early 7th century in the Arabian city of Mecca. Adherents of the Islamic faith are called Muslims and follow the teachings of Muhammad ibn Abdallah. Although the origins of Islam were in the Middle East, today the majority of Muslims are not Middle Eastern.

Over time, divergent interpretations of Islam evolved and led to the development of differing Islamic sects and doctrines. The current major Islamic denominations include Sunni Islam, constituting approximately 85 percent of all Muslims; Shiite Islam, practiced largely in Iraq and Iran; and Sufism, a "mystical" form of Sunni Islam. There is no ecclesiastical hierarchy in Islam to resolve disputes between sects or determine whose teaching is accurate.

Wahhabism is a form of Sunni Islam. It is practiced all over the world and is the predominant religion in Saudi Arabia. Wahhabism has many connotations and means different things to different people. It generally refers to a movement that seeks to purify the Islamic religion of any innovations or practices that deviate from the 7th century teachings of the Prophet Muhammad, as interpreted by Muhammad ibn Abd al-Wahhab, who lived in the 18th century in Saudi Arabia, Iraq, and Iran.²

Most Muslims who adhere to Wahhabism refer to themselves as "Salafis," meaning "Unitarians," because al-Wahhab emphasized the transcendental unity of God. The term "Salafi" literally means "one who

² See Febe Armanios, *The Islamic Traditions of Wahhabism and Salafiyya*, Congressional Research Service, Dec. 22, 2003, at 1.

follows the Prophet Muhammad and his companions,” and also can be used to describe all Muslims, not just Wahhabis. According to one Islamic scholar, “[w]ahhabism, in its present form, is a particular orientation within Salafism. . . . It is fair to say that all puritanical groups in the Muslim world are Salafi in orientation but not necessarily Wahhabi.”³

Fifteen of the 19 September 11 hijackers were from Saudi Arabia, and all of them are believed to have been Wahhabis. In the United States, Wahhabism has been equated with radicalism and terrorism in some newspaper articles, books, and public discourse. For instance, in his 2002 book, *The Two Faces of Islam*, journalist Stephen Schwartz wrote that, “Wahhabism exalts and promotes death in every element of its existence: the suicide of its adherents, mass murder as a weapon against civilization, and above all the suffocation of the mercy embodied in Islam.”⁴

However, not all experts agree that “Wahhabism” and “Salafism” are inherently synonymous with violence, terrorism, or radicalism. For example, FBI counterterrorism officials told us that Wahhabism is not inherently violent or terroristic, but has been manipulated for violent or terroristic ends. In addition, representatives from the Commission noted to us that many Wahhabis/Salafis throughout the world are doctrinally rigid, but peaceful.

The BOP’s ten Muslim chaplains, representatives from the Commission, and counterterrorism experts at the FBI also stated that radical Islam can be found in many different sects of Islam, not just in Wahhabism/Salafism. Several of the Muslim chaplains said that prominent Wahhabis have publicly condemned terrorism, suicide bombers, and Usama Bin Laden. Similarly, representatives from the Commission said that Islamic extremism is not so much the result of a particular doctrine as it is the result of an individual’s school of learning or associations with groups that espouse hate, extremism, and violence. In addition, FBI counterterrorism experts and representatives from the Commission stated that other Islamic sects, such as extreme Shiite Islam, could be just as radical and as much of a terrorism threat as extreme Wahhabism/Salafism.

³ See Khaled M. Abou El Fadl, *And God Knows the Soldiers: The Authoritative and Authoritarian in Islamic Discourses* 5 n. 5 (2001).

⁴ See Stephen Schwartz, *The Two Faces of Islam* 180 (2002).

B. Islam in Federal Prisons

1. Number of Muslim Inmates, Chaplains, Contractors and Volunteers

The BOP houses approximately 150,000 inmates in 105 BOP facilities nationwide.⁵ According to the Chief of the BOP's Chaplaincy Services Branch, approximately 9,000 inmates, or about 6 percent of the inmate population, seek Islamic religious services. While Muslim inmates are not required to report which sect of Islam they identify with, inmate self-reporting indicates that Muslim inmates generally can be classified into four groups: Sunni, Shiite, Nation of Islam, and Moor Science Temple of America. Approximately 85 percent of BOP inmates who identify themselves as Muslim are Sunni or Nation of Islam. In contrast, less than 1 percent of the Muslim inmates – many of whom are from Middle Eastern countries – are Shiite. The Nation of Islam is a U.S.-based group that follows the teachings of Elijah Muhammad. The Moor Science Temple of America is a very small group and, according to the SDAD of the BOP's Correctional Programs Division, not very active in BOP institutions.

The BOP provides Muslim inmates with religious services through BOP chaplains, contractors, and volunteers. Since 2001, 10 BOP chaplains, or a little more than 4 percent of the BOP's total chaplains, are Muslim. According to the BOP, it currently is experiencing a "critical shortage" of Muslim chaplains. The Chief of the Chaplaincy Services Branch said a critical shortage of chaplains exists when there is 1 chaplain of a certain faith for every 700 inmates of that faith BOP-wide. Currently, there is 1 Muslim chaplain for every 900 Muslim inmates. When a Muslim chaplain is not available in a prison, Muslim inmates' religious services are provided by Muslim volunteers, contractors, or inmates.

Muslim contractors are compensated by the BOP to provide certain Islamic services to inmates. Volunteers are not compensated by the BOP and are classified into two groups: Level 1 and Level 2 volunteers. Level 1 volunteers are authorized to enter a particular BOP institution less than four times a year and must be supervised by a BOP staff member at all times. Level 2 volunteers have greater access to institutions and, according to the BOP, need only be supervised intermittently because they have completed more thorough background investigations than Level 1 volunteers. As of September 6, 2003, there were 56 Muslim contractors and 108 Muslim Level 2 volunteers

⁵ These numbers do not include contract facilities or halfway houses, which are responsible for providing religious services to the BOP inmates housed there.

throughout the BOP. BOP officials could not provide us with the number of Level 1 volunteers.

2. Radical Islam in Prisons

Radicalization of Islamic inmates is not a recent phenomenon.⁶ Prison systems throughout the world have been and continue to be breeding grounds for radicalism, recruiting grounds for extremist movements, and facilities for the planning and training of radical activities.⁷ For example, radicalization has been a serious concern for decades in France, where more than half of the penitentiary inmates are Muslim. According to some accounts, thousands of French inmates have been indoctrinated in the principles of a holy war against “the Western powers and the Jews who manipulate them,” in the words of one pamphlet circulating in French prisons.⁸ It also has been reported that radicalized inmates have built an extensive and highly organized “terrorist university” in French prisons by using smuggled tapes, books, and pamphlets to spread anti-Western and anti-Semitic messages.⁹

Concerns regarding the radicalization of Muslim inmates in prisons were heightened after former inmates Richard Reid and Jose Padilla were arrested for allegedly attempting to commit terrorist acts against the United States. Reid, convicted for attempting to blow up an American Airlines flight from Paris to Miami with explosives in his shoes, had converted to Islam in a British prison and left the prison with radical leanings. British officials suspect he was radicalized in part by extreme Islamic clerics who visited and preached at the prison. Jose Padilla, arrested for attempting to detonate a dirty bomb in the United States, converted to Islam after serving time in a Broward County, Florida, jail where authorities suspect his Islamic radicalization began.

⁶ Radicalization is distinguishable from terrorist recruiting. In this report, we use “radicalization” to mean the process by which inmates who do not invite or plan overt terrorist acts adopt extreme views, including beliefs that violent measures need to be taken for political or religious purposes. “Terrorist recruitment,” on the other hand, is used to mean the solicitation of individuals to commit terrorist acts or engage in behavior for a terrorism purpose. These definitions are derived in part from definitions provided to us by the BOP detailee to the FBI’s NJTTF.

⁷ See Gregory R. Copley, *The Intelligence and Management Challenge: Handling Radical, Terrorist and Politicized Prisoners*, Defense and Foreign Affairs Strategic Policy, Jan. 2002, at 10.

⁸ See, e.g., Frank Viviano, *French Prisons: Extremist Training Grounds*, San Francisco Chron., Nov. 1 2001, at A4.

⁹ *Id.*

According to the FBI, it is likely that terrorist groups such as al-Qaeda will attempt to radicalize and recruit inmates in the United States.¹⁰ FBI counterterrorism officials stated that inmates are logical targets for terrorist recruitment because they may be predisposed to violence, feel disenfranchised from society, desire power and influence, seek revenge against those who incarcerated them, be hostile towards authority and the United States, or cling to a radical or extremist Islamic “family.” In addition, prisons have large populations of non-Arab Muslim inmates who are increasingly valuable for terrorism recruitment, since they may not receive the same level of scrutiny as Middle Eastern Muslims. Moreover, an FBI counterterrorism analyst told us that the immense wealth associated with extreme Wahhabism/Salafism makes the religion appealing to inmates who are seeking financial support and assistance after they leave prison.

Inmates can be radicalized in many ways, including through the delivery of anti-U.S. sermons, exposure to other radical inmates, or the distribution of extremist literature. According to an Ohio state correctional official, radicalization has led some inmates in state prisons to become members of terrorist groups, including the Islamic-militant group Hizballah and the Irish Republican Army.¹¹ While radicalization does not necessarily lead inmates to join terrorist organizations, it can, upon their release, lead them to attend and serve in radical mosques or obtain religious education overseas in locations that provide further opportunities for radicalization and terrorist recruitment.

The SDAD of the BOP’s Correctional Programs Division said that he does not believe there is widespread terrorist radicalization or recruiting occurring in BOP facilities, but he recognized that many inmates are vulnerable to radicalization and terrorist recruitment. FBI counterterrorism officials stated that they believe some BOP inmates are being radicalized because they are leaving BOP facilities with extreme Islamist views. While these officials said they were unsure precisely how radicalization is occurring, they believe that some Muslim contractors and volunteers are radicalizing inmates in prisons in the United States.

The ten BOP Muslim chaplains we interviewed said they have not witnessed inmates being radicalized by contractors or volunteers. The BOP staff and managers we interviewed also asserted that staff

¹⁰ John S. Pistole, Assistant Director of the FBI Counterterrorism Division, *Statement for the Record Before the Subcommittee on Terrorism, Technology, and Homeland Security of the Senate Judiciary Committee* (October 14, 2003).

¹¹ See statements by Phil Vermillion, the security threat group investigator for Ohio’s state prison system, reported by The Associated Press, *FBI Agent Warns Prison Officials of Al Qaeda Recruitment* (Sept. 20, 2003).

chaplains, contractors, and volunteers were not the cause of inmate radicalization. The BOP staff said they were confident that if a chaplain, contractor, or volunteer was delivering inappropriate messages, the prison would soon learn about it and the individual would be removed from his or her position.

The BOP Muslim chaplains stated that some inmates are radicalized in prison by other inmates. Numerous other BOP staff members also told us that the real threat of radicalization comes from inmates, not chaplains, contractors, or volunteers. One Muslim chaplain stated that at his prison some Islamic extremist inmates told other inmates that if they were going to convert to Islam, they had to overthrow the government because “Muslims aren’t cowards.” Other chaplains told us that convicted terrorists from the 1993 World Trade Center bombing were put into their prisons’ general population where they radicalized inmates and told them that terrorism was part of Islam. Another chaplain said that he has observed some inmates from foreign countries politicize Islam and radicalize inmates, who in turn radicalize more inmates when they transfer to other prisons.

In addition to terrorist radicalization and recruitment, the Muslim chaplains noted a version of Islam they call “Prison Islam.” They explained that Prison Islam, which is unique to the prison environment, results when inmates follow Islam without direction or analysis – inmates distort Islam to encompass prison values such as gangs and loyalty to other inmates. The chaplains said they frequently have to oppose Prison Islam in their institutions because it threatens prison security.

The Muslim chaplains said that Prison Islam especially thrives in institutions that do not have a staff chaplain, contractor, or volunteer to lead inmates’ Islamic services such as the Juma prayer, which is the obligatory, group prayer held midday on Fridays. According to the Muslim chaplains, in these institutions Muslim inmates often lead Juma services, and inmates who promote Prison Islam or engage in radicalization have the opportunity to teach and lead other inmates without the countervailing influence of a mainstream Muslim chaplain, contractor, or volunteer. In fact, the growth of Islamic radicalism in French prisons has been attributed in part to the control that inmates exercise over most of the institutions’ religious practices.¹²

The BOP provides official guidance to institutions’ chaplains regarding inmate-led services. The BOP’s Technical Resource Manual 014.01, issued in June 1995, states that:

¹² See Frank Viviano, *French Prisons: Extremist Training Grounds*, San Francisco Chron., Nov. 1 2001, at A4.

Normally inmates are not permitted to lead religious programs. When an inmate faith group meets which is different from the Chaplains' own, and when there is no community representative available to lead the group on a volunteer or contractual basis, inmates may conduct or lead these programs only under the supervision of the Chaplain. This supervision entails eye contact with the group and at least periodic presence in the program area by the Chaplain.¹³

While BOP officials acknowledged to us that religious services led by inmates are a security concern, they said that the lack of Muslim chaplains, contractors, and volunteers makes inmate-led services a necessity in some BOP facilities. The Chief of the Chaplaincy Services Branch suggested that the BOP could reduce concerns about inmate-led services by having inmates read sermons written by one of the BOP Muslim chaplains or by a Muslim outside of the prison and screened by the chaplaincy.

With respect to Wahhabism/Salafism, the BOP chaplains said they believed that any chaplain, contractor, or volunteer who identified himself as a Wahhabi/Salafi would be too narrow-minded and sectarian to be able to teach in a pluralistic, prison environment.¹⁴ They also said that strict Wahhabism would not survive in prisons because it is too exclusionary to appeal to the inmates.¹⁵ In addition, they stated that pure Wahhabism poses a security threat to the prisons because it does not tolerate religious pluralism.

C. Provision of Religious Services in the BOP

1. Chaplaincy Services Branch

The BOP Central Office is composed of eight divisions. One of the divisions, the Correctional Programs Division, is responsible for security

¹³ Technical Reference Manuals provide guidelines, optional assistance, best practices, and "how-to" information that may be needed or useful to accomplish the objectives or requirements of Program Statements. They are not "directives" or "policy," but technical and instructional in nature.

¹⁴ The chaplains clarified that because "Wahhabi" means different things to different people, a person who is labeled by others as a Wahhabi might not be narrow-minded and sectarian. However, they agreed that if a Muslim identifies himself as a Wahhabi, then he would hold views contrary to the BOP's position of religious pluralism.

¹⁵ The chaplains stated that inmates who identify themselves as Wahhabis or Salafis generally espouse Prison Islam rather than true Wahhabism or Salafism.

and custody issues, providing services to inmates, and developing policy in these areas.¹⁶ The Correctional Programs Division coordinates inmates' religious services through the Chaplaincy Services Branch. According to the Chief of the Chaplaincy Services Branch, the provision of religious services to inmates is required by law to accommodate inmates' free exercise of religion. She stated that religious services are essential to the security and orderly running of BOP institutions because it provides inmates with direction, guidance, and a sense of purpose, and helps them to be productive, disciplined, and compliant.

The Chaplaincy Services Branch is required to provide opportunities for inmates to pursue individual religious beliefs and practices in accordance with law, federal regulations, and BOP policy. The Chaplaincy Services Branch's central office is located at BOP Headquarters. It provides staffing, training, policy, procedures, and technical assistance to regional and field chaplains. However, it does not supervise regional or field chaplains and has only advisory authority over BOP regional and field decisions, except when governed by BOP policy, procedures, or reference manuals.

The BOP has one Regional Chaplain in each of its six regions. The regional chaplains oversee one to five chaplains in each facility in their regions. Within each institution, a supervisory chaplain manages the institution's chaplaincy staff. As of March 5, 2004, there were approximately 240 chaplains BOP-wide.

Under prevailing federal case law, inmates are not entitled to a chaplain of their faith group, denomination, or sect.¹⁷ As a result, all BOP chaplains, regardless of their own faiths, are expected to minister to inmates of all faith traditions, including those who have no faith tradition. The Chief of the Chaplaincy Services Branch stated that chaplains must be willing to accommodate the free exercise of religion for all inmates, which means they must respect, appreciate, and understand the faith traditions of the inmates, and they must actively provide inmates opportunities to mature spiritually within their own faith traditions.

Chaplains are supposed to plan, direct, and supervise all aspects of the institutions' religious programs and have access to all areas of the institutions to minister to inmates and staff. They are responsible for leading worship services, providing religious education, offering pastoral counseling, conducting crisis intervention, supervising religious services

¹⁶ An organization chart of the BOP is attached to this report as Appendix A.

¹⁷ See Cruz v. Beto, 405 U.S. 319, 322 n. 2 (1972); Weir v. Nix, 114 F.3d 817, 820 (8th Cir. 1997); Blair-Bey v. Nix, 963 F.2d 162, 163-64 (8th Cir. 1992).

and meetings, enabling faith groups to observe holy days and other religious practices, and accommodating the legitimate religious needs of inmates.

In addition, chaplains oversee religious contractors and volunteers. Contractors and volunteers are brought into institutions to perform a specific religious service or function, such as a worship service, group prayer, scripture study, or religious lecture.

BOP staff repeatedly emphasized to us that the provision of religious services in its institutions is important to the maintenance of security in the facility. For example, according to a lieutenant at the FCI in Fort Dix, New Jersey, which has the largest inmate population of any BOP facility, the religious services department “absolutely plays an important role in maintaining security.” A BOP chaplain also stated to us that religious services “diffuse a lot of frustrations and anxieties and angers; it provides inmates with internal controls that otherwise they would not have.”

2. Duties Performed by Muslim Chaplains, Contractors, and Volunteers

Muslim chaplains are responsible for providing faith-specific services for Muslim inmates, including Koranic studies, holy day observances, and presiding at Juma prayer. Muslim chaplains also are responsible for pastoral counseling and administrative duties. While they are not required to perform sacraments, rituals, or worship services for other faith groups, they are required to counsel inmates of all faiths and supervise the contractors, volunteers, or inmates who lead the religious services for other faith groups. See BOP’s “Position Description: Chaplain” and BOP Program Statements 3939.07 and 5360.08.

Muslim contractors also lead Koranic studies, preside at Juma prayers, and provide counseling to Muslim inmates. The contractors provide services on a “per session” basis. They can offer sessions on a weekly basis or as infrequently as once a quarter, depending on the needs of the institution. Inmates must register in advance to participate in the contractor-led sessions. Contractors do not have general access to inmates and cannot leave the area to which they are assigned without notifying a staff member.

Muslim volunteers offer many of the same services as contractors, but they are not paid and are not required to come into the institution for a certain number of sessions. Volunteers’ services include providing occasional seminars, presiding over Juma prayers, leading Koranic studies or scholastic discussions, and serving as guest speakers for

Ramadan or other religious observances. As with contractors, inmates must register in advance to participate in the sessions offered by volunteers. Volunteers do not have general access to inmates and cannot leave the area to which they are assigned without being escorted or notifying a staff member, depending on whether they are Level 1 or Level 2 volunteers.¹⁸

According to the Chief of the Chaplaincy Services Branch, Muslim chaplains, contractors, and volunteers all are responsible for presenting the basic, mainstream principles of Islam and correcting misinformed or misled Muslim inmates. They also are responsible for ensuring the security of the institution, which includes addressing and countering Prison Islam and inmates' radicalization efforts. One of the BOP Muslim chaplains we interviewed asserted that contractors and volunteers have a stabilizing effect on Muslim inmates because they bring fresh opinions and societal experiences into the institutions, and inmates do not see them as part of the "police" like they see the chaplains. He said that fewer contractors and volunteers in the prisons make inmates feel more isolated and alienated, and leads to the germination of unsophisticated Islam, including radicalization and Prison Islam. Other chaplains also said that volunteers and contractors help to control radicalization, prevent misconceptions about Islam, and keep inmates from delivering their own sermons, taking their own interpretations of Islam, and controlling religious activities.

D. BOP Policies Regarding the Provision of Religious Services

The BOP has implemented various policies and procedures regarding religious practices, activities, and services in its institutions. These policies and procedures apply to all religious chaplains, contractors, and volunteers, regardless of faith. According to the Chief of the Chaplaincy Services Branch, the policies and procedures are intended to guarantee inmates' free exercise of religion while ensuring the security of the institutions. She said that Muslim chaplains are supposed to minister to inmates of all faiths and accommodate all Islamic denominations, and that all Islamic religious services providers are prohibited from endorsing one sect over others, teaching sect-specific doctrine, or imposing their own ideas on the inmates.

¹⁸ As described on page 5, the difference between Level 1 and Level 2 volunteers is that Level 1 volunteers are authorized to enter a particular BOP institution less than four times a year and must be supervised by a BOP staff member at all times, while Level 2 volunteers have greater access to institutions and, according to BOP personnel, need only be supervised intermittently.

The SDAD of the Correctional Programs Division stated that inmates are allowed to practice religions with extreme doctrinal views as long as their religious teachings do not violate the law or BOP policy. According to the SDAD, the main security policy guiding the provision of religious services in the BOP is that religious groups and religious services providers cannot: 1) advocate violence; 2) make statements against the United States, including statements that support or condone terrorism; or 3) discriminate against other inmates or exclude them from their services, whether based on race, religion, or other discriminatory factors. See BOP Program Statements 3420.09, 3730.04, and 5360.08.

In addition to these restrictions, BOP Program Statement (P.S.) 5360.08, Religious Beliefs and Practices, explicitly prohibits the following religious practices and activities:

- Proselytizing,
- Profanity;
- Consumption of alcohol;
- Paramilitary exercises;
- Self-defense training;
- Animal sacrifice;
- Casting of spells or curses;
- Nudity;
- Sexual acts;
- Self-Mutilation;
- Use or display of weapons;
- Ingestion of illegal substances; and
- Encryption.

The SDAD said that if a group's practices or doctrine violate any of these policies or procedures, the group is banned from BOP facilities. Similarly, if a religious services provider violates any of these policies or procedures, the BOP will consider dismissing the provider from the BOP.

III. SELECTION OF MUSLIM CHAPLAINS, CONTRACTORS, AND VOLUNTEERS

A. How Personnel Needs Are Identified

According to the BOP, personnel needs for all religious services providers, including Muslim chaplains, contractors, and volunteers, are identified based on what institutions need to accommodate inmates' religious beliefs and practices, as allowed under the First Amendment, the Religious Freedom Restoration Act (RFRA), the Code of Federal Regulations, other Public Laws, and BOP policy.

The need for BOP chaplains also is determined in part by the chaplain-inmate ratio BOP-wide. Because BOP chaplains are hired to accommodate the religious beliefs and practices of all inmates, the BOP considers qualified applicants of all faiths for all chaplain vacancies. However, when there is a critical shortage of chaplains of a certain religion, the Chief of the Chaplaincy Services Branch said that the BOP is more likely to select qualified chaplain candidates of that religion rather than candidates of other religions. Moreover, whenever possible, the BOP does not place chaplains of the same faith in the same institution. See BOP's "Qualifications and Job Requirements for Chaplaincy."

The BOP does not attempt to match chaplains of particular denominations or sects to particular institutions. For example, even if a particular prison has a large Sufi Muslim inmate population, the BOP does not attempt to place a Sufi Muslim chaplain in that prison. According to the Chief of the Chaplaincy Services Branch, matching chaplains' denominations or sects to those of the inmates requires the BOP to discriminate in hiring based on candidates' religion and doctrinal beliefs. Currently, the BOP does not require chaplain candidates to report their denominations or sects because the BOP considers it irrelevant to job performance. In addition, according to the Chief of the Chaplaincy Services Branch, denomination or sect matching would potentially undermine the BOP's expectation that chaplains minister pluralistically, focus on the basic principles of their faiths, and not impose their denomination's or sect's doctrinal beliefs on inmates. Under prevailing case law, the BOP's refusal to provide a religious leader for every sect in a prison does not violate the inmates' constitutional right to the free exercise of religion.¹⁹

Chaplain vacancies are determined by each institution, but the BOP does not hire chaplains for specific sites. For example, the BOP does not announce a chaplain vacancy in the USP in Atlanta, Georgia. Instead, it hires chaplains and then places them where needed throughout the BOP.

By contrast, contractors and volunteers are recruited and selected by individual institutions to address the particular needs of inmates in that institution. The BOP attempts to accommodate inmates' religious needs by providing them sessions with a contractor or volunteer of that faith. For example, a prison with a large Shiite Muslim population can determine it needs a Shiite contractor or volunteer, rather than a Muslim contractor or volunteer from another sect. However, this is not currently

¹⁹ See Cruz, 405 U.S. at 322 n. 2; Weir, 114 F.3d 817; Blair-Bey, 963 F.2d at 163-64.

being done in the BOP partly because, according to the Chief of the Chaplaincy Services Branch, the BOP has difficulty determining the denominations or sects of inmates.

B. How Candidates Are Recruited and Selected

1. Recruitment

The BOP does not advertise for chaplaincy positions by specific faith groups. Instead, BOP chaplain vacancies are announced continuously on the BOP website, the U.S. Office of Personnel Management (OPM) website, and websites such as <http://www.usajobs.com>. The BOP also advertises chaplaincy vacancies with religious organizations and recruits at job fairs, theology speaking engagements, and conferences. Some chaplain candidates have applied to work for the BOP after serving as contractors in the institutions.

Our review determined that each of the current BOP Muslim chaplains was recruited or referred by another BOP Muslim chaplain. According to the Chief of the Chaplaincy Services Branch, Muslim chaplains are the BOP's most effective and reliable resource for recruiting qualified Muslim chaplain candidates. However, the BOP Muslim chaplains we interviewed stated that because BOP management had not adjusted the chaplains' schedules to account for recruiting responsibilities, they were unable to dedicate time to recruiting new chaplain candidates even though they wanted to.

In addition to recruiting other chaplains, BOP Muslim chaplains have recruited Muslim contractors and volunteers. Muslim contractors also are recruited through the BOP website, Muslim organizations' websites, the government's contracting website (www.fedbizopps.gov), and newspaper advertisements. Similarly, chaplains and volunteer coordinators recruit Muslim volunteers locally. The Chief of the Chaplaincy Services Branch said that when an institution determines that it needs a Muslim contractor or volunteer, it often will contact a local mosque or Islamic center for recommendations. One Muslim chaplain said that this was the best way to find qualified, reliable contractors and volunteers. The Chief of the Chaplaincy Services Branch also said that BOP staff might contact another BOP prison with a strong Muslim religious program to seek assistance from chaplains, contractors, or volunteers in that program.

According to the Chief of the Chaplaincy Services Branch, the BOP has had difficulty meeting institutions' demand for Muslim chaplains, in part because it is difficult to find candidates who meet all the personal,

academic, and professional requirements to be a chaplain.²⁰ As a result, the BOP currently has three Muslim chaplains less than it needs to overcome its critical shortage of Muslim chaplains.²¹

The Chief of the Chaplaincy Services Branch also stated that the BOP does not have enough Muslim contractors and volunteers to provide Islamic services for all Muslim inmates. According to BOP officials, there are several reasons why the BOP has had difficulty recruiting and maintaining Muslim contractors and volunteers. First, the remote locations of many BOP institutions makes it difficult for contractors and volunteers to get to those institutions. Second, the BOP does not have a program or strategy for recruiting Muslim contractors and volunteers. The BOP Muslim chaplains suggested that the BOP should make a greater effort to reach out to Muslim organizations and communities to develop local contacts and encourage Muslims to serve in BOP institutions. They said that currently the Chief of the Chaplaincy Services Branch is the only person in the BOP who is reaching out to Muslims. Third, according to the BOP Muslim chaplains, the BOP does not provide its Muslim chaplains adequate time to recruit contractors and volunteers, even though they have strong connections to the Muslim community. Fourth, one Muslim chaplain noted that the BOP does not provide volunteers incentives to work in the prisons, such as reimbursement for gasoline when they visit rural facilities. Fifth, according to the Muslim chaplains, recruitment of Muslim volunteers has slowed after the September 11 terrorist attacks because Muslims fear they will be scrutinized or investigated if they become involved with the government. Sixth, according to the Chief of the Chaplaincy Services Branch, the Islamic community does not have the programs or precedent for prison ministry in the United States that other religions have.

Recruitment difficulties present a special problem because the BOP needs many Muslim contractors and volunteers to lead Juma prayers and other Islamic services that must occur at the same time on the same days (*i.e.*, Juma prayers must be held shortly after 12:30 p.m. on Fridays). One chaplain, contractor, or volunteer can only provide these services in person to one group of inmates at the appointed time. For example, in an institution that has four facilities, a Muslim chaplain, contractor, or volunteer is needed in each facility at the same time on Fridays to provide Juma prayer. If there is only one chaplain, contractor,

²⁰ These requirements are discussed below in section III (B)(2), "Application Process."

²¹ The BOP has determined a critical shortage of chaplains exists when there is 1 chaplain of a certain faith for every 700 inmates of that faith BOP-wide. Using this standard, the BOP needs 13 Muslim chaplains to eliminate its critical shortage. Currently, it has only ten Muslim chaplains and approximately 9,000 Muslim inmates.

or volunteer available, inmates in three of the facilities either will lead themselves in the prayer or will not receive the prayer service that day. This shortage of Muslim chaplains, contractors, and volunteers means inmates are left to lead and direct each other in Islam, which may affect prison security because extremist inmates could use these services to radicalize and recruit other inmates.

2. Application Process

a. Muslim Chaplains

In order to be considered for a chaplain position in the BOP, candidates must meet certain personal and professional requirements.²²

First, the applicant must be a citizen or resident of the United States or a country that has diplomatic relations or treaties with the United States. Second, the applicant ordinarily must be younger than 37 to be appointed to a BOP position. However, the Department of Justice (DOJ) has waived this age requirement for Muslim chaplain applicants because of the critical shortage of Muslim chaplains in the BOP. See 5 U.S.C. § 3307. Third, applicants must provide adequate documentation of their religious and ministerial role within their religious community. This documentation is required in lieu of formal ordination or recognition by ecclesiastical institutes, which do not exist in Islam. Fourth, applicants must pass a physical examination and Physical Abilities Test, which are designed to measure the physical requirements necessary to perform essential functions in a correctional setting. Fifth, applicants must report the professional, civic, and religious organizations in which they hold membership.

With respect to professional requirements, applicants must have earned a bachelor's degree from an accredited college with at least 120 hours of instruction. In addition, applicants must have a Master of Divinity degree from an accredited residential seminary or theology school, or have successfully completed 90 semester hours of graduate study that include: 1) 20 semester hours of pastoral ministry; 2) 20 semester hours of theology, ethics, or philosophy of religion; 3) 20 semester hours of religious history or world religions (which demonstrate

²² The BOP's table depicting the application and security screening requirements for chaplains, contractors, and volunteers is attached as Appendix B.

an understanding of religious pluralism); and 4) 20 semester hours of religious writings or language study.²³

In addition to these academic requirements, applicants must have at least two years of full-time pastoral experience in a ministry setting after they have completed their academic preparation. They also must sign a “Candidate Certification and Authorization” form certifying that they will minister to inmates of other faiths.

Finally, an applicant must provide three personal references, recommendations from previous employers, and an endorsement from a national organization that has completed the paperwork required by the BOP to endorse chaplain applicants (“endorsing organization”). The applicant must have been associated with the endorsing organization for at least two years prior to the endorsement. The endorsement must attest to the applicant’s suitability for correctional ministry, verify the applicant’s ability to minister in a pluralistic environment to inmates of all faiths, support the applicant’s candidacy, and provide assurance that the applicant has no past or present legal or moral barrier to being a religious leader.

Obtaining an endorsement from a national Islamic organization presents special challenges for Muslims because, unlike other religions, there is no national Islamic decision-making body to recognize official Islamic religious leaders or authorize them to minister to others. The BOP Muslim chaplains explained that in Muslim countries the government, not organizations, endorses religious leaders. They said that Muslims in the United States have created national organizations to unify and represent them, such as the Islamic Assembly of North America, the Islamic Circle of North America, and the ISNA. However, the chaplains noted that these organizations are not as large, organized, or established like other religions’ organizations, such as the Catholic Church or the Southern Baptists, and several of the organizations have received scrutiny for allegedly advocating radical beliefs or supporting terrorism.

At this time, the ISNA is the only Islamic organization that has completed the paperwork required by the BOP to endorse chaplain applicants. Other organizations can apply to be endorsers for Muslim chaplains, but none has submitted the requisite paperwork. However, the BOP has not hired a Muslim chaplain since 2001, and in 2003 it stopped accepting ISNA-endorsed chaplain candidates until the FBI

²³ The GSISS offers an academic program that fulfills the BOP’s educational requirements for graduate study in Islam. The GSISS is discussed below in section IV, “Endorsing Organizations.”

provides the BOP with any information on the ISNA.²⁴ This has resulted in a freeze on hiring Muslim chaplains. The GSISS never has endorsed a Muslim chaplain, contractor, or volunteer for the BOP.²⁵

Despite the difficulties in obtaining national endorsements from Islamic organizations, the BOP requires Muslim chaplain candidates to provide a national endorser like all other chaplain candidates. Most of the BOP's Muslim chaplains told us they supported the requirement for a national endorser because, they said, it has led to the hiring of high-caliber chaplains and it is an effective way for the government to further screen candidates. However, a few of the chaplains believed that the BOP should require local endorsers instead of national endorsers because some national organizations have been discredited, and national organizations do not know chaplain candidates as well as local organizations do. This issue is discussed further in section IV(A), "Role of Endorsers for Staff, Contractors, and Volunteers."

Once the chaplain candidate has completed the application packet, obtained all required recommendations, and received a national endorsement, the applicant sends the application to the central office of the Chaplaincy Services Branch. Only applicants with complete application packets are considered for chaplaincy vacancies.

b. Muslim Contractors

When a BOP institution determines it needs a religious contractor, it completes a Determination of Need form indicating the purpose of the contract, description of service required, special qualifications necessary, estimated cost of services, and an explanation for why the existing chaplains cannot perform the services. Based on the Determination of Need, the BOP advertises for contractors and issues a Statement of Work (SOW). Contractors apply for advertised positions by submitting proposals for services based on the requests in the SOW.

In order to be eligible for a contractor position, applicants must have resided in the United States for three of the past five years and be a citizen or resident of the United States or a country that has diplomatic relations or treaties with the United States. If a contractor is a foreign national, the BOP does not grant the contractor access to BOP

²⁴ The ISNA is discussed in more detail in section IV, "Endorsing Organizations." The BOP has stopped accepting endorsements from all Islamic organizations until it receives information on those organizations from the FBI and determines whether to continue using those organizations as endorsers.

²⁵ The GSISS is discussed in more detail in section IV, "Endorsing Organizations."

computers. Contractors also must demonstrate that they have the knowledge of their religion and ministry experience necessary to adequately provide the services requested. As with chaplain candidates, contractor applicants must provide adequate documentation of their religious and ministerial role within their religious community.

In addition, contractor applicants must have a letter of endorsement from a local religious organization or clergy member that verifies the applicant is authorized to perform the services requested. Generally contractors do not receive endorsements from national organizations like the ISNA, but approximately five Muslim BOP contractors or volunteers have been endorsed by the ISNA. The GSISS never has endorsed a Muslim BOP contractor.

Unlike chaplain candidates, contractor applicants are not asked to report the professional, civic, and religious organizations in which they hold membership. They also are not required to have particular academic credentials or pastoral experience. However, local BOP institutions often impose these requirements on their own. For example, a February 2003 SOW issued by the FCI in Victorville, California, required applicants to have a minimum of three years of documented, continuous, full-time experience as an Islamic minister and a Baccalaureate Degree from an accredited college or university, with a major in some form of religious studies.

Contractors submit their proposals directly to the institutions requesting contractor assistance. The facility's Human Resource Management and Business Office staff determine which proposal is selected.

c. Muslim Volunteers

Muslims interested in volunteering in the BOP apply directly to specific institutions, generally through a volunteer coordinator. Muslim volunteers must provide a letter of endorsement from a local Islamic organization or clergy member that verifies the volunteer is authorized to perform the services requested. According to the Chief of the Chaplaincy Services Branch, volunteers must also have verifiable religious credentials, but no specific academic training is required. The ISNA has endorsed approximately five of the BOP's Muslim volunteers or contractors, but the GSISS has not endorsed any.

3. Security Screening

a. Muslim Chaplains

In order to be selected as a BOP chaplain, candidates must pass a criminal history check, which includes a fingerprint check, local law enforcement checks for the past five years, and a record check through the FBI's National Crime Information Center (NCIC). Candidates also must pass a drug screening urinalysis and provide the contact information for their employers for the past five years. In addition, the OPM contracts with the U.S. Investigations Services (USIS) to conduct full investigative background checks on chaplain candidates. These investigations are supposed to be completed within 120 days from the date scheduled. Subsequent reinvestigations of chaplains are supposed to be conducted by the OPM every five years. These security screening requirements are standard for most federal government employees.

The OPM/USIS's background investigation examines, among other things, the chaplain candidate's loyalty to the United States, contacts with foreign countries, and any previous criminal activity. According to the Chief of the Chaplaincy Services Branch, the investigations do not specifically examine the candidates' past sermons or performance in religious settings to determine whether they have given radical messages or made radical statements.

The BOP has experienced problems obtaining timely closure of investigations from the OPM/USIS for all of its employees. In June 2002, the BOP's Security and Background Investigation Section wrote a formal letter to the OPM regarding delinquent cases, and the OPM responded by implementing a plan to address the backlog of cases. The BOP informed us that since it took these steps, the OPM investigations are being closed quicker. However, the BOP said that the OPM still has some cases open until after new employees' one-year probationary period has expired, making it more difficult for the BOP to dismiss personnel whose background investigations develop derogatory information.

Despite the OPM's delays in conducting background investigations, the BOP's SDAD of the Correctional Programs Division said he is not aware of any concerns or problems with the results or quality of the OPM investigations. In addition, while OPM delays might affect the background investigations of future Muslim chaplains, the current Muslim chaplains' background investigations already have been completed.

In addition to background investigations, chaplain candidates also receive a pre-employment screening interview and a panel interview. The

pre-employment screening interview is conducted by a Human Resources specialist and covers the candidate's employment history, financial history, criminal history, driving record, and any dishonest conduct or excessive use of force. A representative from Human Resources, a Regional Chaplain, and at least one other manager conduct the panel interview. While the panel interview is more in-depth than the pre-employment screening interview, the questions are standard (the Civil Service Questionnaire) and do not typically explore candidates' doctrinal beliefs.

Although some of the BOP Muslim chaplains said they were asked doctrine-related questions in their interviews, most said they were not. However, many of the chaplains said that they were recruited by people in the BOP who already knew their doctrinal beliefs. The Muslim chaplains told us they believed there should be some process to discern a candidate's doctrinal beliefs, whether formally (through the interview) or informally (by checking with staff familiar with the candidate), for security purposes. For example, they stated that the BOP should know if a Muslim candidate identifies himself as a Wahhabi/Salafi or identifies himself with a particular school of thought rather than with Islam in general because, in their view, these individuals would not be willing or able to minister effectively to inmates of all faiths or of other Islamic sects.

Currently, the BOP's policy is not to ask chaplain candidates what they believe or require them to provide a statement of faith. Rather, the BOP relies on the certification of national endorsers that the candidates are mainstream Muslims and capable of teaching in BOP institutions. The Chief of the Chaplaincy Services Branch expressed concern to us that asking such questions or requiring a statement of faith would place the government in the position of approving or disapproving of a person's religion. She also said there would be no way to ensure the candidate answered questions truthfully. Furthermore, she stated that, in her view, candidates' doctrinal beliefs are secondary to what they will commit to do in the job.²⁶

In addition to not asking Muslim chaplain candidates about their religious beliefs, the BOP does not require a Muslim or other persons knowledgeable of Islam to participate in chaplain candidates' interviews. However, eight of the ten Muslim chaplains said they were interviewed by a Muslim. Some were interviewed by a BOP regional official who was Muslim, and one chaplain said he was interviewed by another BOP

²⁶ The OIG's analysis of whether the BOP legally can screen chaplains' doctrinal beliefs is contained in section VI, "OIG Analysis."

Muslim chaplain. The Muslim chaplains believed that the interview process is not effective if candidates are not interviewed by a Muslim.

In response to questions about Muslim chaplain candidates being interviewed by a person knowledgeable of Islam, the Chief of the Chaplaincy Services Branch suggested that the BOP could create an interfaith advisory board composed of chaplains of many faiths, including Islam, to interview all of the BOP's chaplain candidates, regardless of faith.

The only method the BOP currently uses to screen chaplain candidates' doctrinal beliefs is the "Candidate Certification and Authorization," which the candidates sign pledging that they will minister to inmates of all faiths. The Chief of the Chaplaincy Services Branch said that Muslims with extreme Islamic views, like extreme Wahhabis/Salafis, would not be willing to sign this statement, unless they were attempting to infiltrate the prisons by misrepresenting their beliefs.

The BOP also does not ask candidates whether they have received funds from foreign governments. The Chief of the Chaplaincy Services Branch noted that chaplains are not currently asked this, even though candidates for other, higher-ranking federal positions are. She believed chaplains and chaplain candidates should be asked questions such as, "Have you accepted gifts or funds from any foreign government?" by the BOP or the OPM.

Finally, as discussed previously, the BOP requires chaplain candidates to report their foreign travel. The SDAD of the Correctional Programs Division said the BOP is interested in verifying chaplains' foreign travel and soon will be able to use the State Department's databases for this purpose. The Chief of the Chaplaincy Services Branch said that the BOP would not hire chaplain applicants who lie about their foreign travel. In addition, she said that the BOP will not hire a chaplain candidate who has spent a significant amount of time in a country that does not have diplomatic relations or treaties with the United States, but she did not define how much time was significant enough to preclude hiring.²⁷ She said that because Saudi Arabia has diplomatic relations with the United States, she did not believe Muslim chaplain candidates who have studied in Saudi Arabia should be excluded from BOP positions. She also noted that Saudi Arabia is the religious center of Islam and offers many professional schools that can prepare Muslims for ministry.

²⁷ As noted earlier, chaplain and contractor candidates must have resided in the United States for three of the past five years.

b. Muslim Contractors

In order to be selected as a BOP contractor, candidates must pass a criminal history check, which includes a fingerprint check, inquiries with local law enforcement, and a records check through the FBI's NCIC. Candidates also must pass a drug screening urinalysis and provide contact information for their employers for the past five years. According to the Chief of the Chaplaincy Services Branch, the BOP began in October 2003 to inquire about contractor applicants' educational background, countries visited, and naturalization numbers (if applicable). As with chaplains, the Chief of the Chaplaincy Services Branch said that the BOP would not hire applicants who have spent a significant amount of time in a country that does not have diplomatic relations or treaties with the United States.

According to BOP officials, contractor candidates are interviewed by the program manager at the institution in which they will work. These interviews are not standardized, and they also are not as in-depth as the interviews of chaplain candidates.

As with chaplains, the BOP does not screen contractors' doctrinal beliefs or require that they provide a statement of faith. For example, the BOP does not use contractors' interviews to determine what candidates believe or whether their beliefs could compromise security or violate BOP policies.

In addition to not screening contractors' doctrinal beliefs, the BOP does not ask contractors to report the professional, civic, and religious organizations in which they hold membership or whether they have received funds from foreign governments. The BOP also does not require contractors to submit lesson plans to the chaplains or an outline of what they intend to cover during their services. The Chief of the Chaplaincy Services Branch said that the contractors' SOW and proposal describe the number of sessions needed and what service the contractor would provide.

The BOP Muslim chaplains we interviewed said that the BOP does not consult them regarding the hiring of Muslim contractors or ask them to interview contractor applicants. The chaplains said they have witnessed some Muslim contractors bring distorted Islam into the prisons, which causes problems for the BOP. They said that the BOP does not select contractors based on doctrinal beliefs or lesson plans, but mostly on who offers the services for the cheapest cost. As a result, they said, the BOP has hired contractors who have taught things that pose a security threat to the institutions.

In addition, the BOP does not require chaplains at prisons hiring Muslim contractors to gather information from the local community on contractor applicants. The Chief of the Chaplaincy Services Branch told the OIG that if chaplains had time, she thought it would be beneficial for them to examine applicants' activities and reputations in their communities and religious congregations before hiring them.

c. Muslim Volunteers

In order to be selected as a BOP Muslim volunteer (Level 1 or Level 2), applicants must pass a criminal history check, which includes a fingerprint check, inquiries with local law enforcement, and a record check through the FBI's NCIC. Applicants also must disclose their country of citizenship. In addition, according to the Chief of the Chaplaincy Services Branch, the BOP began in October 2003 to inquire about volunteer applicants' educational background, countries visited, and naturalization number (if applicable). She said this information is used to further screen out potentially radical individuals. For example, the BOP will not accept volunteers who have spent a significant amount of time in a country that does not have diplomatic relations or treaties with the United States.

Unlike chaplains and contractors, volunteers are not required to pass a drug screening urinalysis or provide contact information for their employers for the past five years. They also are not asked to report the professional, civic, and religious organizations in which they hold membership or whether they have received funds from foreign governments.

Ex-offenders are eligible to serve as volunteers, but are subject to more stringent security requirements. In addition to the standard volunteer security requirements, ex-offenders must have no arrests for three or more years after their release, must submit to a background check in which they provide and verify their current employment or academic status, and cannot be placed in a prison that houses inmates who have separation orders against them. In addition, ex-offenders are prohibited from entering protective custody units and must be escorted at all times.

Level 2 volunteers must be interviewed prior to working with inmates, but Level 1 volunteers are not interviewed. The prison's program manager conducts brief interviews for Level 2 volunteers at the local prison.

The BOP does not screen volunteers' doctrinal beliefs or require they provide a statement of faith. The BOP also does not consult the

BOP Muslim chaplains regarding the screening of Muslim volunteers or ask chaplains to gather information from the local community on volunteer applicants. The Chief of the Chaplaincy Services Branch told the OIG that she believed it would be beneficial for chaplains to examine volunteers' activities and reputations in their communities and religious congregations.

d. Security Screening Through the FBI

The FBI recently began providing additional information to the BOP on contractors and volunteers that may not be available during an NCIC check. This could include open investigations, terrorism-related connections, or other information that did not result in an arrest or conviction.

1. National Joint Terrorism Task Force

All communications between the FBI and the BOP about the radicalization of inmates are now channeled through the National Joint Terrorism Task Force (NJTTF) in FBI Headquarters.²⁸ The BOP detailee to the NJTTF is the project manager for the NJTTF's Correctional Intelligence Initiative (CII), described below, and serves as the conduit for the flow of information between the FBI and the BOP on counterterrorism issues. For example, he said he exchanges information with FBI intelligence analysts, searches FBI databases for information relevant to BOP security, and assists in implementing initiatives for the purpose of detecting and deterring inmate radicalization in the BOP. Almost all information between the FBI and the BOP regarding the radicalization of inmates is channeled through this BOP detailee to the NJTTF. However, the SDAD of the Correctional Programs Division informed us that he occasionally has spoken with unit chiefs at the FBI and the Counterterrorism Division's Deputy Assistant Director for Operational Support about the radicalization of inmates.

During our review, we found that the exchange of information between the FBI and the BOP on issues concerning the BOP's selection of Muslim religious services providers has not been entirely effective. We

²⁸ The NJTTF was formed in July 2002 to allow for the direct exchange of information among approximately 30 participating federal agencies. These agencies include, among others, the Central Intelligence Agency, the DOD, the Internal Revenue Service, the Department of Homeland Security, and the BOP. According to the FBI, NJTTF members receive all intelligence and other information that their FBI counterparts receive. The primary purpose of the NJTTF is to collect terrorism information and intelligence and disseminate it to the FBI's 56 local Joint Terrorism Task Forces (JTTF), various terrorism units within the FBI, and partner agencies. NJTTF members support the FBI's counterterrorism mission by sharing their respective agencies' information and resources with the FBI and other NJTTF participants.

learned that the FBI had information about certain Islamic endorsing organizations' potential terrorism connections, but when we interviewed senior BOP officials and the BOP detailee to the NJTTF in July and August 2003, they did not know about the FBI information or the extent of the FBI's concerns about these organizations. This indicated that despite the BOP detailee's queries in FBI databases and discussions with various FBI counterterrorism analysts, he was not obtaining information critical to the BOP's assessment of these endorsing organizations. Moreover, the detailee's work was not part of a larger coordinated effort with the FBI to respond to the issues concerning the BOP's selection of Muslim religious services providers.²⁹ The BOP detailee explained in August 2003 that he had not contacted the Counterterrorism Division at the FBI "in an organized way" and instead simply had conversations "on a spot-individual basis" with FBI analysts.³⁰

In addition, we learned that BOP and FBI officials did not meet to discuss concerns about the BOP's selection of Muslim chaplains, contractors, and volunteers until December 16, 2003, after significant congressional and media attention arose about these issues. On that day, we conducted a follow-up interview of the SDAD of the Correctional Programs Division. He said that shortly before our interview, he had met for the first time with the Unit Chief of the NJTTF to discuss the BOP's selection process for religious services providers. Until that meeting, which the Unit Chief of the NJTTF described as an annual meeting at which BOP and NJTTF representatives discussed issues of mutual interest, essentially all of the FBI's and BOP's communications about issues pertaining to the selection of religious services providers were exchanged solely through the BOP detailee to the NJTTF.

2. The Correctional Intelligence Initiative

The CII is led by the BOP detailee to the NJTTF. The purpose of the CII is to prevent potential acts of terrorism by inmates in the United States. The CII has four subprojects: 1) general intelligence,

²⁹ The scope of this review is limited to the selection of Muslim religious services providers, and does not include an examination of the entire CII program and its "recruiting in custody subproject."

³⁰ Shortly after congressional inquiries regarding concerns about Islamic endorsing organizations, the BOP detailee began to gather information from the FBI on a few of the endorsing organizations he knew were of concern to Congress. He conducted several test searches of these groups for the purpose of determining what information the FBI had on them and whether this information indicated the BOP should not use them to endorse chaplain candidates. He also had informal conversations with analysts in the FBI's Counterterrorism Division regarding their knowledge about Wahhabism, Salafism, the ISNA, and the GSISS. According to the detailee, his research was "non-directed" and executed "just on my own."

2) recruiting in custody, 3) development of inmate sources on terrorism matters, and 4) inmates calling persons of concern.

The CII's recruiting in custody subproject focuses specifically on detecting and deterring the radicalization or recruitment of inmates by extremist organizations or individuals who come into the prisons to provide services directly to the inmates. This includes all services, religious or otherwise, and all people, including staff, contractors, and volunteers.

According to the SDAD of the BOP's Correctional Programs Division, all contractors and volunteers were managed and screened by local prisons until April 2003. Until that time, their security screening did not include any checks with the FBI beyond fingerprint and NCIC checks. However, in April 2003, BOP Headquarters began working with the NJTTF to conduct further security checks on BOP contractors and volunteers. The BOP created a database of the names of all its contractors and volunteers and submitted the names to the FBI's Name Check Unit for a security threat assessment.

Through this and other projects under the recruiting in custody subproject, the FBI has identified some BOP contractors or volunteers "of interest" who it suspects could be recruiting or radicalizing inmates.³¹ According to the BOP detailee to the NJTTF, "of interest" means that there is an indication that the person is connected, directly or indirectly, to individuals or a group of concern to the FBI's Counterterrorism Division. He said that while the FBI may suspect these individuals to be a security threat, the information is not always conclusive and may require further investigation or research.

The SDAD of the Correctional Programs Division said that the BOP analyzes the information obtained by the FBI on the contractors and volunteers identified as "of interest" to determine whether to recommend that they be dismissed. He said that a contractor or volunteer will be dismissed based on any credible evidence that the person has potential ties to any terrorist-affiliated organizations or individuals; advocates racism or violence; or has made anti-U.S. statements or supports such statements. He also said that the BOP maintains a database of its decisions on these cases to assist in making decisions on future cases. He further stated that the BOP plans to screen new contractors' and Level 2 volunteers' names through the FBI before hiring them.

³¹ According to the FBI, none of the BOP's chaplains, Muslim or otherwise, is "of interest." In addition, the BOP never has dismissed a Muslim chaplain for inappropriate work-related conduct or teachings.

Ultimately, the BOP's success in identifying and dismissing staff, contractors, and volunteers who are radicalizing and recruiting inmates for terrorist acts depends in part on the FBI developing and documenting sufficient, accurate, and credible information to support a decision to dismiss an individual. This further underscores the importance for improving the FBI-BOP information flow process.

3. The Joint Intelligence Coordinating Council (JICC)

On February 24, 2004, the Attorney General announced the initiation of the Joint Intelligence Coordinating Council (JICC). The JICC will include personnel from key DOJ agencies, including the FBI, Drug Enforcement Administration, and the BOP. According to a press release from the Attorney General's office, the purpose of the JICC is to improve counterterrorism intelligence collection, analysis, and information sharing within the DOJ. While the creation of the JICC may improve information sharing between the FBI and the BOP on issues of inmate radicalization, the JICC is not yet operational and the actual effect of the JICC on the FBI-BOP information flow is not clear.

IV. ENDORSING ORGANIZATIONS

A. Role of Endorsers for Staff, Contractors, and Volunteers

The BOP uses local and national endorsements to help determine that chaplain, contractor, and volunteer applicants are qualified and able to provide appropriate religious services in a prison setting. The roles for local and national endorsers differ in many respects.

Contractors and volunteers require only local endorsements that are supposed to attest to a person's good standing in the organization. These endorsements authorize the person to work in the local BOP facility on behalf of the organization. According to the Chief of the Chaplaincy Services Branch, the endorsement serves to verify the legitimacy and qualifications of the contractor or volunteer. However, the BOP does not contact the endorser to discuss the candidate or the basis for the endorsement, or maintain any kind of relationship with local endorsing organizations.

National endorsements are required for chaplain candidates. National endorsements are supposed to signify that the chaplain candidates are mature in their religion; can provide religious services in a pluralistic environment; represent the national organization in the provision of religious services; and have no legal, moral, or ecclesiastical barrier to serving as chaplains. According to the Chief of the Chaplaincy

Services Branch, the national endorsement also is supposed to attest that the candidate has mainstream religious beliefs and is qualified and capable to teach in BOP institutions.

The BOP requires chaplain candidates to obtain a national endorsement from an organization like the ISNA rather than a local endorsement because they provide services for many different kinds of inmates at facilities across the nation. In contrast, the BOP requires contractors and volunteers to obtain only a local endorsement because they work at a single, local facility with inmates of their faith group.

The Chief of the Chaplaincy Services Branch stated that before 1995 the BOP required Muslim chaplains to provide only a local endorsement, just like volunteers and contractors. However, because it was difficult for chaplains to maintain relationships with local organizations when they were assigned to prisons in other states, the BOP decided to move to a national endorsement requirement for chaplain candidates. To maintain the relationships between the endorsing organizations and the chaplains, the BOP encourages national endorsers to visit chaplains in their facilities and authorizes chaplains to take administrative leave to attend endorsers' annual conferences or spiritual retreats.

The Chief of the Chaplaincy Services Branch said that the national endorsement is intended to hold chaplains accountable, keep them rooted in their faith, and help them maintain contacts with their faith communities. The endorsement is an affirmation that the candidate will be performing a valid ministry consistent with the faith group's beliefs and has presented evidence of having the education, experience, and skills necessary to perform that ministry in a correctional setting.

The Chief of the Chaplaincy Services Branch acknowledged, however, that national endorsing organizations likely would not know candidates as well as a local endorsing organization would. But she said that it is safer and more effective to require national endorsements for chaplain candidates than local endorsements. She asserted that radical local organizations could go undetected much easier than national organizations. She also said that national endorsers have more experience working with chaplains and have more resources to assist them in their work. Furthermore, she said the BOP builds relationships with the national endorsers because it can more easily work with a consistent group of people over time. Through these relationships, she said, the BOP is able to obtain greater support for its chaplains and further ensure that the organizations are mainstream, understand the BOP's mission, and share the BOP's values. For example, the BOP has asked endorsers to report any language or conduct that indicates a staff

member, contractor, or volunteer is promoting a message that is contrary to the BOP's policies.

B. Qualification to be an Endorser

The Chief of the Chaplaincy Services Branch said that the religious legitimacy of the endorsement provided by a particular organization or mosque is based on its reputation. She said if the BOP had any suspicion that an organization or mosque was radical, the BOP would not rely on its endorsements. Before October 2003, the BOP relied on information known to the general public or reported in newspapers to know whether a mosque or organization was radical. She said that the BOP evaluated the integrity of a mosque or organization based on the conduct of the staff members, contractors, and volunteers it had previously endorsed.

Prior to this review, if the BOP had no reason to be concerned about a local organization, the organization's endorsement of a contractor or volunteer applicant was accepted without any further qualification requirements or security screening procedures. Security screening steps taken since initiation of our review are discussed below in section IV (E), "The FBI's Assessment of Endorsing Organizations."

Before a national group is allowed to endorse chaplain applicants, it must complete the paperwork required by the BOP to verify the organization's religious legitimacy. Such organizations must provide the BOP a statement of their beliefs and practices, proof of their tax-exempt status (501(c)(3)), an endorsement for their candidate, and a completed application form.³² The form asks endorsers how they select candidates, what criteria they use to determine whether candidates are qualified as professional ministers, and how the candidates receive the official endorsement of the organization. Since December 2003, the BOP also has started requiring national endorsing organizations to submit an additional form certifying that their organization does not promote separatism, terrorism, or violence.

Currently, the ISNA is the only national organization that has submitted all paperwork required by the BOP to be a national endorser for Muslim chaplains. However, the BOP recently stopped accepting ISNA-endorsed Muslim candidates, effectively ceasing the hiring of

³² The Chief of the Chaplaincy Services Branch told the OIG that the BOP does not use 501(c)(3) information for purposes other than to establish that the endorsing group is recognized by the Internal Revenue Service as a religious organization.

Muslim chaplains.³³ The BOP's decision to stop accepting ISNA-endorsed chaplains is discussed further below under IV (D), "ISNA and GSISS Endorsements of BOP Religious Services Providers."

The BOP has encouraged other Islamic organizations to apply to be endorsers for Muslim chaplains, including the Islamic Supreme Council of America (a moderate Sufi organization). However, the BOP normally does not seek endorsers for chaplains. Instead, chaplain candidates identify which organization will provide their endorsement and if the organization has not completed the paperwork required by the BOP to be a national endorser, the BOP will send it an endorser application packet. We found no evidence indicating that the BOP excludes non-Wahhabist organizations from endorsing Muslim chaplain candidates. According to the Chief of the Chaplaincy Services Branch, Muslim chaplain candidates recently identified two moderate Muslim organizations as endorsers, but neither of them has completed the requisite paperwork.

The Chief of the Chaplaincy Services Branch asserted that there are special problems posed by requiring Muslim chaplain candidates to obtain a national endorsement: 1) the non-hierarchical structure of Islam does not lend itself naturally to the existence of national Islamic organizations; 2) very few Islamic national organizations have been established in the United States; 3) many of these organizations have fallen into disrepute; and 4) the BOP is not presently accepting endorsements from the ISNA and other Muslim endorsing organizations. She added that despite her reluctance to rely on local endorsements for chaplains, she would consider permitting local endorsements for Muslim chaplains if the candidate cannot identify a national organization that will complete the paperwork required by the BOP to be an official BOP endorser.

C. Background of the ISNA and the GSISS

Founded in 1981 and located in Plainfield, Indiana, the ISNA is the oldest national Islamic organization in the United States. According to the ISNA's website, the ISNA is an association of Muslim organizations and individuals that provides a common platform for uniting Islamic communities nationwide; presenting Islam; developing educational, social, and outreach programs; and fostering good relations with other religious communities and civic organizations. The ISNA's stated mission is to be an exemplary and unifying Islamic organization in North America

³³ The BOP has stopped accepting endorsements from all Islamic organizations until it receives information on those organizations from the FBI and determines whether to continue using those organizations as endorsers.

that contributes to the betterment of the Muslim community and society at large.

The ISNA is operated by an executive council of nine officers, including the president, two vice presidents, a former president, and five regional representatives. The president, two vice presidents, and former president also serve on the ISNA's Board of Directors. The ISNA's Board of Directors is composed of 22 individuals, including leaders of various Islamic organizations, ISNA chapter presidents, and members at large.

The Chief of the Chaplaincy Services Branch said that she has worked with the ISNA since the 1980s when the BOP hired its first Muslim chaplains. She stated that originally the federal government sought the ISNA's assistance with locating qualified, trustworthy Muslim chaplains; the ISNA did not approach the federal government to perform this role.

The Chief of the Chaplaincy Services Branch asserted that the ISNA is a moderate, mainstream, non-Wahhabist, Islamic organization that encompasses Muslims from several Islamic sects. She said that the ISNA's president participated in inter-faith prayer services following the September 11 terrorist attacks. She said that the ISNA is funded by its member mosques and does not receive Saudi funding. She recounted a time when the BOP approached the ISNA with concerns about a particular Muslim contractor, and the ISNA informed the BOP that the individual was not teaching Islam appropriately and that he did not represent the organization's views.

The GSISS was founded in 1985 by a group of Islamic scholars. Due to the death of a significant contributor to the program, the GSISS did not begin enrolling students until 1996. The GSISS, located in Leesburg, Virginia, was the first Muslim-governed, campus-based institution of Islamic graduate studies in the United States. As of March 2004, 11 students were enrolled at the GSISS and 13 professors made up the GSISS's faculty. The president of the GSISS is Taha Jabir Alalwani. The GSISS offers two degrees, the Masters of Arts in Islamic Studies and the Masters of Religious Practice, which is a 90-credit hour professional degree that trains Muslim chaplains. One of the GSISS's stated objectives is to serve as a bridge between cultures by offering a classical Islamic education framed within the North American experience.

The GSISS is one of the few Islamic graduate programs in the United States available to BOP Muslim chaplain applicants to obtain their requisite academic credentials. However, only one of the ten current BOP Muslim chaplains has attended the GSISS.

The Chief of the Chaplaincy Services Branch said she has maintained a relationship with the GSISS since 1996. In her opinion, the GSISS is a mainstream, Islamic organization that has not demonstrated any tendency toward extremism. Following the September 11 attacks, the president of the GSISS issued a fatwa, or official Islamic legal opinion, supporting American Muslims who serve in the United States military, combat terrorism, and bring terrorists to justice.

The BOP has an ongoing relationship with both the ISNA and the GSISS. For example, in June 2002 the Chief of the Chaplaincy Services Branch delivered a commencement address at the GSISS's graduation ceremony. She also attended the ISNA national conference in the summer of 2003 and spoke on one of its panels. In October 2003, the ISNA Director came to Washington, D.C., and met with the Chief of the Chaplaincy Services Branch and the SDAD of the Correctional Programs Division to discuss the goals and mission of the ISNA.

Following the September 11 terrorist attacks, both the ISNA and the GSISS were scrutinized for their possible connections to terrorist groups. For example, according to an affidavit in support of an application for a search warrant that was publicly released by the U.S. Attorney's Office for the Eastern District of Virginia, the GSISS and some of its affiliated entities have been under federal investigation by the Department since December 2001 for providing material support to terrorists, laundering money, and evading taxes. As of March 15, 2004, the GSISS was still under investigation for supporting terrorism.

In addition, several ISNA board members have been accused of supporting or having ties to terrorism. One member, Siraj Wahhaj, was named by U.S. Attorney Mary Jo White as one of the "unindicted persons who may be alleged as co-conspirators" in the 1993 World Trade Center bombing. Wahhaj also has been accused of urging his followers to overturn the U.S. system of government and set up an Islamic dictatorship. Another ISNA board member, Bassam Osman, is Chairman of the North American Islamic Trust (NAIT), which allegedly owns the Islamic Academy of Florida (IAF) and many other Islamic organizations. In a federal indictment handed down in February 2003, the IAF was accused of raising funds and providing support for the terrorist organization Palestinian Islamic Jihad.

The ten BOP Muslim chaplains said that Muslims established the ISNA to accommodate the American custom of having large, unified, religious organizations to represent a faith group. They said that their experience indicates that the ISNA is a moderate group and it was surprising that the ISNA was suspected of being radical and having ties

to terrorist organizations. They expressed concern that if the ISNA has fallen into disrepute, then Muslims have to start all over and build another national Islamic organization. However, they were concerned that other Islamic organizations would suffer the same fate that the ISNA has, mostly because, they said, the hospitable, familial nature of Islam means that radical Muslims can easily become part of such organizations, unbeknownst to the organizations, and mainstream Muslims can innocently become affiliated with the wrong people or groups. The ten chaplains also said they believed the GSISS was a mainstream organization and that the GSISS trained Muslims from various Islamic sects.

D. ISNA and GSISS Endorsements of BOP Religious Services Providers

The ISNA's and the GSISS's relationship to the BOP came under scrutiny after a February 2003 *Wall Street Journal* article reported that a BOP Muslim contractor defended the September 11 terrorist attacks and supported terrorism in statements he made at an event outside a prison. The contractor, Warith Deen Umar, attended the GSISS but was not endorsed by the GSISS or the ISNA. He is the founder and president of the National Association of Muslim Chaplains and served as the chief Muslim chaplain of the New York State prison system, where he was employed for about 25 years. After he retired from the New York State prison system in 2000, he became a Muslim contractor at the FCI in Otisville, New York.

In February 2003, the *Wall Street Journal* quoted Umar as stating at a public event, "Even Muslims who say they are against terrorism secretly admired and applaud [the September 11 hijackers]." The article also reported that Umar believed black inmates who converted to Islam in prison were logical recruits for committing future terrorist attacks against the United States. Around the same time, Umar's contract was terminated "for the convenience of the government," according to a letter the BOP sent Umar. One of the BOP Muslim chaplains told us that he knew Umar in a professional setting several years before Umar joined the BOP, and if asked he would 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.

This incident drew attention to the BOP's process for selecting Muslim religious services providers. Shortly after the *Wall Street Journal* article was published, Senator Schumer wrote a letter to the OIG expressing concern that the BOP was relying solely on the ISNA and the GSISS to endorse its Muslim chaplains. His letter precipitated this review.

The ISNA has provided endorsements for the BOP from 1987 to 2001, but the GSISS never has. Three of the BOP's ten Muslim chaplains were endorsed by the ISNA. The remaining seven were endorsed by other organizations. Before 1995, the BOP required Muslim chaplains to provide only a local endorsement, just like volunteers and contractors. As a result, six of the chaplains were endorsed by local organizations such as the Fox Valley Islamic Society, the Islamic Society of New Jersey, and the Islamic Society of Greater Charlotte. The seventh chaplain, hired in 1998, was endorsed by a national organization, the American Muslim Council (AMC). Because the AMC has not complied with the BOP's more recent requirements for official recognition as a national endorser, it is not currently allowed to endorse Muslim chaplains. In addition, approximately five Muslim volunteers and contractors have been endorsed by the ISNA. However, volunteers and contractors generally receive endorsements from local organizations, not a national group such as the ISNA.

The BOP has not hired a Muslim chaplain since 2001. The Chief of the Chaplaincy Services Branch stated that around the summer of 2003 the BOP stopped accepting ISNA-endorsed chaplain candidates. She said that the BOP would not accept ISNA-endorsed candidates until the FBI determined that the organization was not radical and does not have ties to terrorism.³⁴ Since the ISNA currently is the only Islamic national organization that has submitted all paperwork required by the BOP to endorse chaplains, and chaplain candidates must receive an endorsement from a national organization that has submitted the requisite paperwork, the BOP's non-acceptance of ISNA-endorsed candidates effectively has resulted in a freeze on hiring Muslim chaplains. According to the Chief of the Chaplaincy Services Branch, for example, one qualified Muslim chaplain has submitted his application to the BOP, but because he was endorsed by the ISNA the BOP will not hire him at this time.

This freeze on hiring Muslim chaplains implicates prison security and presents counterterrorism concerns. Without a sufficient number of Muslim chaplains on staff, inmates are, according to the Chief of the Chaplaincy Services Branch and the ten BOP Muslim chaplains, much more likely to lead their own religious services, distort Islam, advocate Prison Islam, and espouse extremist beliefs.

³⁴ By contrast, the FBI told us that it would not provide the BOP an assessment of whether an endorsing organization is radical. Instead, it said it would share the information it has on the organization so that the BOP can draw its own conclusions about whether to use the organization as an endorser.

E. The FBI's Assessment of Endorsing Organizations

The FBI potentially could provide the BOP with information that would help the BOP determine whether there is a reason to be suspicious about an endorsing organization. However, the BOP did not screen Islamic organizations through the FBI prior to the time this review began. In addition, as described above, our review found that FBI information about organizations' radicalism or connections to terrorism has not been shared effectively with the BOP. As a result, the BOP did not have information from the FBI on the ISNA or the GSISS when public concerns surfaced about those organizations' alleged terrorism connections. For example, when we interviewed the SDAD of the Correctional Programs Division in July 2003, four months after the BOP received Senator Schumer's letter expressing concern about the ISNA and the GSISS, he informed us that the BOP never had requested or seen any intelligence from the FBI on the ISNA or the GSISS.

In October 2003, after the OIG began conducting this review, the BOP formally requested information and a threat assessment from the FBI on all 82 Muslim national and local endorsing organizations used by the BOP, including the ISNA.³⁵ The GSISS was not included in this request because it has not endorsed any chaplains, contractors, or volunteers for the BOP. According to the SDAD of the Correctional Programs Division and the BOP detailee to the NJTTF, the purpose of the request was to assist the NJTTF and the BOP in determining if derogatory information indicated an Islamic organization should not be used as an endorsing organization for Muslim chaplains, contractors, or volunteers. Prior to this request, the BOP had not asked for information from the FBI on whether the ISNA or other endorsing organizations posed a security threat to the BOP.

In mid-December 2003, the FBI finished screening the 82 Muslim endorsing organizations. The FBI determined that some of the organizations were "of interest," although most of them were not.³⁶ According to the BOP detailee to the NJTTF, "of interest" means that there is an indication that the organization is connected, directly or indirectly, to individuals or a group of concern to the FBI's Counterterrorism Division. He said that while the FBI may suspect these organizations to be a security threat, the information is not always conclusive and may require further investigation or research.

³⁵ The endorsing organizations of other faith groups have not been examined.

³⁶ The classified addendum to this report provides more information about organizations and individuals that were determined to be "of interest."

The FBI indicated that several of the other organizations of interest required further research by the FBI because there was not enough information to determine whether they have ties to terrorist groups, are radical, or should continue to be used by the BOP. According to the BOP detailee to the NJTTF, if the FBI's information about an organization is derogatory, the FBI will further examine all Muslim chaplains, contractors, and volunteers who have connections with that group.

According to the Unit Chief of the FBI's Counterterrorism Division Domestic Sunni Analytical Unit, as of April 13, 2004, detailed information from the FBI's review still had not been provided to the BOP. He said that the Counterterrorism Division was awaiting legal clearance to release the information contained in the review. According to the initial request issued to the FBI field divisions, when this information was provided to the BOP, it would be only advisory in nature and would not constitute a formal recommendation from the FBI. Rather, once the BOP receives the information, it would use the information to make its own judgments about the organizations after consulting with the FBI.

The BOP also said it will determine whether it should discontinue receiving endorsements from any of the organizations. According to senior BOP officials, if the FBI does not have any concerns or significant derogatory information about an organization, the BOP will consider the organization's application to be an endorsing organization. If the FBI has an investigation of or compelling derogatory information about an organization, the BOP will not continue to accept applicants who are endorsed by that organization until it is cleared by the FBI.

The SDAD of the BOP's Correctional Programs Division was unable to define what the BOP would consider to be "significant" or "compelling" derogatory information. He said the BOP has to make this determination on a case-by-case basis, and it cannot begin making such determinations until it received information from the FBI. He also said that if the FBI's information is inconclusive or ambiguous, the BOP would examine each organization on a case-by-case basis to determine whether to continue accepting endorsements from that organization. If the BOP decided to continue accepting endorsements from such an organization, it would subject the organization and its endorsed applicants to increased levels of security monitoring until the FBI reaches a conclusion about it.

According to the SDAD of the Correctional Programs Division, if a future Muslim chaplain, contractor, or volunteer applicant is endorsed by an organization that has not yet been vetted through the FBI, the BOP plans to have the FBI process the organization's name through FBI databases before it allows the chaplain, contractor, or volunteer applicant to have access to inmates.

V. SUPERVISION OF RELIGIOUS SERVICES ACTIVITIES AND PROVIDERS

Supervision within BOP facilities is a further check to ensure that chaplains, contractors, or volunteers espousing radical beliefs are not permitted to influence the inmate population. An effective supervision program also can indicate whether the BOP's personnel selection process is successfully screening out individuals who pose a security risk in the prison environment. In addition, rigorous inmate supervision also can detect, deter, and prevent terrorist recruitment and radicalization.

A. Overview

Religious activities in BOP facilities are supposed to occur under the supervision of chaplaincy staff and typically occur in dedicated space referred to as "the chapel." The chapels we observed during this review typically included one or two areas for worship services, offices for chaplaincy staff, a library, and several classrooms. These spaces were enclosed and generally were not amenable to supervision (visual and auditory) by one person of more than two rooms at a time. In some facilities, the Psychological Services Department shared space with the chaplaincy.

The chapel is one of the few areas in BOP facilities where large numbers of inmates are permitted to meet as a group and to converse. Services typically occur on Friday through Sunday. Classes are common in the evenings during the week and last one to two hours each. At the facilities we visited, from two to six religious activities were scheduled concurrently each weekday evening. To accommodate the demand for evening activities, BOP chaplains must work evening hours twice a week.

As with other religious groups, Muslim groups usually gather in the chapel two times each week: once for a worship service and once for a study lesson. The BOP staff members we interviewed all believed that the presence of an Islamic radical in this environment would pose a threat to institutional security and that supervision practices needed to be adequate to detect such persons.

The BOP does not have specific policies that address oversight of religious activities. The BOP P.S. concerning "Religious Beliefs and Practices" provides simply that "[a]ll institution chaplains are employed to . . . supervise institution religious activities." See BOP P.S. 5360.08. Although responsibilities of some BOP employees who interact with chaplaincy staff members are described in the P.S. (e.g., food service staff, employees who make work assignments), the obligations of correctional officers in support of chaplains are not identified. As

described below, the lack of policy guidance allows for significant variations in the way that religious activities are supervised at BOP facilities.

B. BOP Supervision and Intelligence Gathering Methods

The BOP employs a number of methods to oversee religious activities, including staff observation, electronic monitoring, and physical inspections. As described to us during our fieldwork, the primary responsibility for observing and supervising worship services and religious classes in the chapel rests with the staff chaplains.

According to BOP officials at Headquarters and in the field, the supervision of contractors, volunteers, and inmates who lead services and classes in the chapel is intermittent.³⁷ BOP staff members are not required to be in the same room continuously with religious service providers and, instead, observe them only periodically. The frequency of staff observations varied at the facilities we visited. At one institution, the supervisory chaplain stated that his staff must perform a “walk around” every hour, while another chaplain stated that this task must be performed every 30 minutes to an hour. At another facility, the supervisory chaplain said that chaplains must check on religious services providers every 15 minutes but was unsure if this requirement was embodied in a written policy.

During our fieldwork, we observed significant differences in the level of supervision that correctional officers provided to religious services and meetings – differences that could not be explained by institution security level. At one prison, the captain of the correctional officers explained that the chaplains are responsible for monitoring activities in the chapel and that the only time he would send an officer to assist with supervision is when one of the chaplains is absent. A captain at a different institution explained that the correctional officers visit the chapel “sometimes,” but most often they rely on the chaplains to provide supervision. A lieutenant at a third facility explained that “any good lieutenant working any shift will not rely on chaplains to watch all the inmates” and that it is important for the custodial staff to make a presence in the chapel because it acts as a deterrent to misconduct. One Muslim chaplain also told us that, based on his experiences, the level of supervision over chapel activities varies by institution.

Moreover, it was apparent to us that at certain facilities the supervising correctional officers and the associate warden who oversees chaplaincy services were not familiar with chapel activities. For example,

³⁷ This does not include Level 1 volunteers who must be escorted at all times.

at one institution the captain of the correctional officers told us that Islamic services are conducted entirely in English and both the captain and associate warden stated categorically that inmates were not allowed to lead services. When we observed the chapel, however, an inmate was leading a service in one of the classrooms and Arabic was spoken periodically throughout the Muslim worship service.

Several BOP staff members stated that the effectiveness of supervision by correctional officers could be enhanced with additional training. One associate warden said that he was not confident that correctional officers could detect radical religious messages (“not a whole lot of folks are in tune with that kind of stuff”), and a captain explained that if his staff had more training on Islam they would be better able to detect inappropriate messages.

In addition to direct staff observation, the BOP relies upon cameras to monitor activities in some chapel service areas and classrooms. At the four facilities we visited, a camera was present in the worship areas at two facilities, and in two classrooms at another facility. One associate warden told us that the use of cameras had significantly reduced inmate fighting and strongly deterred inmates from inappropriate conduct. One Muslim chaplain told us that there should be more cameras in the chapel, and a supervisory chaplain stated that cameras should be placed in the classrooms.

While the BOP has video cameras in some worship areas and chapel classrooms, however, it does not rely upon audio monitoring for routine supervision of religious services in its facilities. Audio monitoring is not currently employed in any BOP chapels to evaluate the messages that religious services providers deliver to inmates. Some correctional officers said that the ability to listen in on worship services and classroom instruction would benefit security and would be a deterrent to the expression of radical messages.

Physical inspections also are a component of security procedures in the chapel. One lieutenant explained that the chapel is routinely checked for contraband, and inmates are pat-searched as they enter and exit the chapel for services and classes. Reading materials that are delivered to the chapel library also are screened by the chaplaincy staff. Several of the institutions we visited, however, did not have an inventory of the books currently available to the inmates, and none of the library collections had been re-screened since the September 11 terrorist attacks. We were told by one Muslim chaplain that not all religious materials that come into BOP institutions are being screened by the BOP’s chaplains. We found that inmates are allowed to order books, which are delivered to them directly from the institution mailroom unless

the mailroom screener first routes the material to the chaplains for review.

The BOP collects intelligence and security information from a variety of sources, including staff, inmate informants, and other law enforcement agencies. Nearly every BOP staff member we interviewed believed that if a Muslim radical infiltrated a BOP facility and began expressing his views, an inmate would report the conduct. According to one lieutenant, “inmates are knocking down our doors to tell us things.” Another lieutenant told us that he had inmate informants in virtually every known group of inmates in the institution. Intelligence on inmates also is generated by the BOP’s Sacramento Intelligence Unit, which distributes a weekly bulletin to BOP facilities. Captains at several of the BOP institutions we visited further said that their emergency preparedness coordinators had contacts with the local JTTF. A captain at one facility stated that he believed that a member of his intelligence staff should be a member of the JTTF because information sharing is a paramount concern.

C. Inmate-Led Services

Some staff members we interviewed stated that they were troubled by the practice of allowing inmates to lead religious services. According to one chaplain, “inmates look for things to control and the chapel is a good place to do that.” One associate warden told us that allowing an inmate to lead a service would “put the inmate on a pedestal,” elevating the inmate’s stature, which could lead to security problems. At one facility where inmates were leading the Muslim services, the chaplain could not describe how the inmates were selected for their position, whether by vote of the inmates, self-appointment, or otherwise.

VI. OIG ANALYSIS

Based on our review, we concluded that the BOP’s selection process needs improvement to further protect the BOP from hiring religious services providers who could pose security threats. We found that the BOP made some improvements after we initiated this review, but we believe additional changes are necessary to address deficiencies in the BOP’s selection and supervision of religious service providers.

With regard to chaplains, the BOP requires Muslim chaplain candidates to obtain graduate school accreditation in Islam, have two years of full-time pastoral experience, provide three personal references, supply recommendations from previous employers, receive an endorsement from an Islamic national organization, have a pre-employment screening interview and a panel interview, and undergo

a criminal history check, drug screening urinalysis, and background investigation. These requirements appear to have identified appropriate chaplain candidates. According to the Chief of the Chaplaincy Services Branch, none of the BOP's Muslim chaplains has been of concern to the FBI or caused problems for the BOP.

With regard to contractors, the BOP requires applicants to provide documentation of their religious and ministerial role within the Islamic community, obtain an endorsement from a local Islamic organization, provide contact information for their employers for the past five years, be interviewed by the institution's program manager, and undergo a criminal history check and drug screening urinalysis. Volunteers are required to obtain an endorsement from a local Islamic organization, provide verifiable religious credentials, undergo a criminal history check, and be interviewed by the institution's program manager if they are Level 2 volunteers. Unlike the Muslim chaplains, a few of the BOP's Muslim contractors or volunteers, such as Warith Deen Umar, have been of concern to the FBI or been dismissed from the BOP for inappropriate behavior such as making extremist statements and appearing to give preferential treatment to inmates.

With regard to endorsing organizations, before the OIG initiated this review, the BOP required national endorsers to provide a statement of their beliefs and practices, proof of their tax-exempt status, an endorsement for their candidate, and a completed application form that asked endorsers how they select candidates, what criteria they use to determine which candidates are qualified as professional ministers, and how the candidate will receive the official endorsement of the organization. However, the BOP did not check with the FBI for information on these organizations.

After the OIG initiated this review in March 2003, the BOP began requiring national endorsing organizations to submit an additional form certifying that their organizations do not promote separatism, terrorism, or violence. In addition, in April 2003 the BOP began to seek assistance from the FBI with screening out potentially extremist contractors and volunteers. In October 2003, the BOP began to seek assistance from the FBI with screening out endorsing organizations that may be attempting to infiltrate the BOP to radicalize or recruit inmates for terrorist acts. According to the SDAD of the Correctional Programs Division, the BOP intends to continue screening new national and local Muslim endorsing organizations through the FBI, as well as the names of all new contractors and Level 2 volunteers, regardless of faith. The BOP also plans to wait until it receives the FBI's results from these screenings before it grants applicants access to BOP institutions.

In addition, the BOP and FBI have taken steps to improve their information sharing. For example, the BOP has made formal requests to the FBI for information and assessments on contractors, volunteers, and endorsing organizations, and a senior official from the BOP met in December 2003 with a senior official from the FBI to discuss concerns about the BOP's selection of Muslim chaplains, contractors, and volunteers.

While the BOP has taken several steps towards improving its selection process, we believe additional changes are necessary to address deficiencies in the BOP's selection and supervision of religious service providers.

For example, the BOP still does not screen doctrinal beliefs of chaplains, contractors, or volunteers. BOP officials expressed some concern to the OIG that such screening would not be legally permissible. According to the BOP's General Counsel, the BOP Office of General Counsel (OGC) has not thoroughly analyzed this legal issue, but it believes screening chaplain, contractor, or volunteer applicants on the basis of their beliefs rather than their actions or statements may violate Title VII of the Civil Rights Act of 1964 or the First Amendment.

We believe, based on our review of the case law, that the BOP legally may screen all chaplain candidates by asking them questions about their beliefs. The responses to these questions can provide important information for the BOP to determine whether the candidates pose a security threat. Pursuant to the Religious Freedom Restoration Act (RFRA), the BOP may "substantially burden" a person's exercise of religion if the BOP's actions are the "least restrictive means" of furthering a "compelling state interest."³⁸ Many courts have determined that a correctional institution's maintenance of security, safety, and orderliness qualifies as a "compelling interest."³⁹ Moreover, prison officials are entitled to take action based on *potential* threats to institution security or

³⁸ Religious Freedom Restoration Act, 42 U.S.C. § 2000bb (2000). The RFRA standard for burdening an individual's free exercise of religion in a prison context is more stringent than the constitutional standard. Under the U.S. Constitution, the BOP may impinge on a person's exercise of religion if the BOP's actions are "reasonably related to legitimate penological interests." See O'Lone v. Estate of Shabazz, 482 U.S. 342, 349 (1987). Therefore, if the BOP's screening of applicants' religious beliefs meets the RFRA standard, it would likely meet the constitutional standard as well.

³⁹ See Hines v. South Carolina Dep't of Corrections, 148 F.3d 353, 358 (4th Cir. 1998); Mack v. O'Leary, 80 F.3d 1175, 1180 (7th Cir.), cert. granted, judgment vacated on other grounds, 522 U.S. 801 (1997); Winburn v. Bologna, 979 F. Supp. 531, 535 (W.D. Mich. 1997); Woods v. Evatt, 876 F. Supp. 756, 769 (D.S.C. 1995). Cf. Bell v. Wolfish, 441 U.S. 520, 546-547 (1979); Kikumura v. Hurley, 242 F.3d 950, 962 (10th Cir. 2001).

the anticipation of security problems,⁴⁰ and are accorded deference in creating regulations and policies directed at the maintenance of prison safety and security.⁴¹ Therefore, we believe that the law allows the BOP, for security purposes, to ascertain from chaplain, contractor, and volunteer applicants information to determine whether their religious beliefs include: 1) endorsement of violence, 2) support of terrorism or other anti-U.S. activities, or 3) discrimination against other inmates or exclusion of other inmates from their services, whether based on race, religion, or other discriminatory factors.

Thus, we believe, based upon our initial review, that screening religious services applicants' beliefs is legally permissible. We encourage the BOP's OGC, in conjunction with DOJ attorneys, to carefully evaluate this legal issue. It is critical for the security of federal prisons that the BOP determine whether religious services providers support violence; terrorism; anti-U.S. activities; or discrimination or exclusion of other inmates, whether based on race, religion, or other discriminatory factors, before they are allowed access to inmates.

In addition to not screening religious services providers' doctrinal beliefs, the BOP does not request assistance from the BOP Muslim chaplains in recruiting or screening chaplains, contractors, and volunteers. However, we believe that the Muslim chaplains are a valuable resource within the BOP for preventing inmate radicalization and can assist with the recruitment and selection of Muslims who have mainstream Islamic beliefs. No other group of BOP employees has as much expertise and experience with Islam as the chaplains. The Muslim chaplains stated that they would be able to discern whether a Muslim chaplain, contractor, or volunteer candidate was an Islamic extremist in part by knowing who his teachers were and what mosques he has attended. However, the BOP currently does not request this kind of information from applicants or discuss it with the chaplains to determine whether there is a problem with the candidates' views. The chaplains suggested that the BOP could have them review Muslim candidates' application forms, references, and endorsement letters. They said that based on this information, they could flag any concerns with the applicants and suggest questions that BOP interviewers could ask them.

⁴⁰ Whitley v. Albers, 475 U.S. 312, 323 (1986); Hewitt v. Helms, 459 U.S. 460, 474 (1983); Jones v. North Carolina Prisoners' Labor Union, Inc., 433 U.S. 119, 132-133 n.9 (1977); Procunier v. Martinez, 416 U.S. 396, 405 (1974); Butler-Bey v. Frey, 811 F.2d 449, 451 (8th Cir. 1987).

⁴¹ O'Lone, 482 U.S. at 353; Bell, 441 U.S. at 547; Hamilton v. Schriro, 74 F.3d 1545, 1556 (8th Cir. 1996).

Moreover, the BOP does not encourage its chaplains to seek information from their local communities on individuals who have applied to be religious contractors and volunteers in their institutions. To the extent chaplains are able to obtain this type of information on religious contractor and volunteer applicants, regardless of faith, it would assist the BOP in identifying and screening out individuals with extremist views.

The BOP also has not developed a recruitment strategy specifically focused on identifying and hiring qualified Muslim chaplains and contractors, and recruiting Muslim volunteers. While there are many factors affecting the BOP's ability to successfully recruit Muslim religious services providers, one of the main reasons the BOP is experiencing a critical shortage of Muslim chaplains and a deficiency of Muslim contractors and volunteers is that it does not have an official program or strategy specifically focused on recruiting Muslim religious services providers. The BOP needs to develop such a strategy and increase the number of Muslim religious services providers in its institutions in order to accommodate sufficiently the religious needs of Muslim inmates and further protect institutions from Prison Islam and inmates' radicalization efforts. The lack of Muslim religious services providers in the BOP gives inmates more opportunities to radicalize other inmates by leading religious services.

Moreover, the BOP has not developed alternative endorsement policies for Muslim chaplains now that it is not accepting ISNA-endorsed candidates. This has resulted in a hiring freeze on Muslim chaplains, which contributes to the BOP's critical shortage of Muslim chaplains. While the Chief of the Chaplaincy Services Branch said she would consider accepting endorsements from local organizations for Muslim chaplains, the BOP has not developed a policy prescribing when local endorsements will be accepted in lieu of national endorsements. Hiring more Muslim chaplains to meet the religious needs of Muslim inmates is essential to deterring radicalization and Prison Islam.

The BOP also does not require Muslim chaplains, contractors, or Level 2 volunteers to be interviewed by anyone knowledgeable about Islam. Interviewers who are unfamiliar with Islam and radical beliefs within Islam are unlikely to be able to discern whether a Muslim candidate poses a security threat.

In addition, the BOP does not require an in-depth panel interview for contractors and volunteers. The Chief of the Chaplaincy Services Branch asserted that because of the extensive contact contractors and volunteers have with inmates, she supports requiring contractor and Level 2 volunteer applicants to be interviewed more 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.⁴² Moreover, the BOP's Muslim chaplains suggested that Muslim contractor applicants be asked questions that would explore how they would handle hypothetical correctional scenarios and discuss their motivation for working in the prisons. We believe the BOP 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.

The BOP does not ask whether chaplains, contractors, or volunteers have received funds from foreign governments. In addition, it does not verify chaplains' foreign travel or ask contractors or volunteers to report the professional, civic, and religious organizations in which they hold membership. This information could help the BOP better determine whether applicants have extremist beliefs or pose a security threat to institutions.

As of April 13, 2004, the FBI still had not shared with the BOP the information it has on Muslim endorsing organizations. We were told that the FBI is awaiting legal clearance to release to the BOP the classified and sensitive information it has gathered on the organizations. As a result, the BOP has not yet been able to make assessments of its endorsing organizations or decide whether to continue using them.

The BOP and the FBI continue to exchange almost all information regarding the radicalization of inmates through the BOP detailee to the NJTTF. We found that this process is flawed because the BOP has not received critical information from the FBI about endorsing organizations' possible connections to terrorism. The BOP detailee has many NJTTF responsibilities and may not be able to serve effectively as the sole conduit for the FBI-BOP information-flow.⁴³ Other agencies such as the Secret Service and the Immigration and Customs Enforcement assign permanent liaisons to the FBI, in addition to their detailees on the NJTTF, to assist in exchanging information.

With regard to BOP supervision practices, our examination revealed that the BOP relies on various methods to oversee its religious

⁴² In comments to a draft of this report, the Chief of the Chaplaincy Services Branch clarified that she does not believe it is necessary to conduct panel interviews of religious services contractors and volunteers who average four to eight hours in a BOP institution per month and have very limited contact with inmates.

⁴³ The OIG is conducting a separate evaluation that is examining the NJTTF and expects to issue a report later this year that addresses various aspects of the NJTTF's operations, including information sharing and training for NJTTF detailees.

services providers and inmates, including direct staff supervision and electronic monitoring, but significant gaps remain. Once an individual is allowed entry to a BOP institution and therefore has a platform to instruct inmates or to lead them in worship, ample opportunity exists for them to deliver inappropriate messages without the direct oversight of BOP personnel. With few exceptions, contractors, unescorted volunteers, and inmates who lead services are subject only to intermittent supervision. Service areas and chapel classrooms frequently lack cameras, and audio monitoring currently is not employed. Our fieldwork also identified significant differences in the level of supervision or observation of them by chaplains or correctional officers, and that BOP staff did not always understand the frequency with which they were supposed to observe religious services providers. Supervisory correctional officers and BOP managers further 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.

BOP staff members were consistent in their views that the most significant radicalization threat comes from the inmates and not from chaplains, contractors, and volunteers. Many of the BOP staff we interviewed also emphasized that allowing inmates to lead services posed security risks, and in one institution we were told the practice was prohibited for security reasons.⁴⁴ Although BOP staff acknowledged the importance of a rigorous selection process for religious services providers, they repeatedly told us that they had not encountered significant problems with chaplains, volunteers, and contractors, and that if such persons were Islamic radicals they would be identified quickly because of inmate reporting and other detection methods.⁴⁵

We believe that the BOP should evaluate the feasibility of having correctional officers provide intermittent supervision of all religious activities 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 expanding video or audio monitoring of all worship areas and chapel classrooms. To better

⁴⁴ As explained above, however, we observed an inmate leading a service at this institution.

⁴⁵ We note that in the case of former BOP contractor Warith Deen Umar, described above, BOP staff observed Umar repeatedly give sermons that violated BOP security policies but failed to terminate his contract. Several of his Contractor Progress Reports explain that he “disparages Judaism and Christianity” and that his “sermons are sometimes not appropriate; has been spoken to.” Despite this conduct, the same Reports provide him with “Good” or “Excellent” marks for the “Quality of Goods/Services” rendered.

ensure that correctional officers are familiar with Islam and can recognize radical Islamist messages that are inappropriate in BOP facilities, the BOP also should provide training on Islam and radicalization to its correctional officers.

Another significant problem identified by BOP staff was the practice of allowing inmates to lead religious services. Many BOP officials and employees said they do not believe that it is appropriate for inmates to assume leadership positions in BOP facilities, including the position of surrogate chaplain. We agree. Too many opportunities for abuse of this practice exist. We think that the BOP should restrict the use of inmates to lead religious services. For example, in facilities where inmates presently are leading services, the BOP should evaluate the feasibility of providing Internet video feeds to chapel areas for Juma prayer by a BOP Muslim chaplain.

In addition, the BOP does not require inmate-led religious services to be monitored constantly by a staff member. Rather, staff must supervise inmate-led services only intermittently, like services led by contractors or Level 2 volunteers. As a result, inmates have the opportunity to deliver radical messages during religious services undetected by BOP staff. Staff supervision at inmate-led services is essential to deterring and preventing inmate radicalism.

The BOP does not require contractors to submit to the chaplains lesson plans or an outline of what they intend to cover during services. The Chief of the Chaplaincy Services Branch expressed concern that making contractors submit their lesson plans for approval would deter people from working for the BOP. However, she said that the SOW for religious contractors could include the themes and topics on which contractors are to focus and list the specific things contractors are not allowed to say as part of their messages (i.e., advocate violence, make statements against the United States, or make exclusionary statements).

Our discussions with the BOP's Muslim chaplains revealed that they are discouraged from assisting non-Muslim chaplains in other facilities with supervision issues related to the practice of Islam, including problems concerning radicalization. We believe this is a serious error and that the BOP could better use the expertise of its Muslim chaplains. Few other BOP employees have the degree of knowledge and experience with Islam to advise BOP staff members adequately on matters related to Islamic radicalization. For example, to improve supervision practices in facilities that do not have a Muslim chaplain, the BOP could encourage staff members from those facilities to consult with the Muslim chaplains at other facilities to address potential or actual radicalization problems.

Our fieldwork also revealed that supervision of chapel libraries is not as thorough as it should be. None of the chaplains at the facilities that we visited was able to produce an inventory of the books and videos available to the inmates, and it did not appear that these materials had been evaluated after the terrorist attacks of September 11. We recommend that the BOP undertake an inventory of chapel books and videos to confirm that they are permissible under BOP security policies. The BOP also should consider maintaining a central registry of acceptable material to prevent duplication of effort when reviewing these materials.

Lastly, we found that not all of the BOP facilities we visited were working closely with the local JTTF. BOP facilities should be fully integrated into local counterterrorism initiatives. We recommend that all BOP facilities maintain at least a liaison with their local JTTF.

VII. OIG RECOMMENDATIONS

We believe the BOP can and should improve its process for selecting, screening, and supervising Muslim religious services providers. We therefore offer a series of recommendations to address the issues we examined in our review.

A. Screening of Religious Services Providers

- 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.

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.
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.
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.

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.

B. FBI-BOP Information Flow

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.

C. Reliance on Staff Muslim Chaplains

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.

D. Recruiting Muslim Religious Services Providers

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.

E. Endorsements

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.

F. Supervision

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.

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.
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.
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.

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.
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.
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.

VIII. CONCLUSION

Religious services providers are in a unique position to influence the beliefs and conduct of inmates. The presence of extremist chaplains, contractors, or volunteers in the BOP's correctional facilities can pose a threat to institutional security and could implicate national security if inmates are encouraged to commit terrorist acts against the United States. For this reason, it is imperative that the BOP has in place sound screening and supervision practices that will identify persons who seek to disrupt the order of its institutions or to inflict harm on the United States through terrorism.

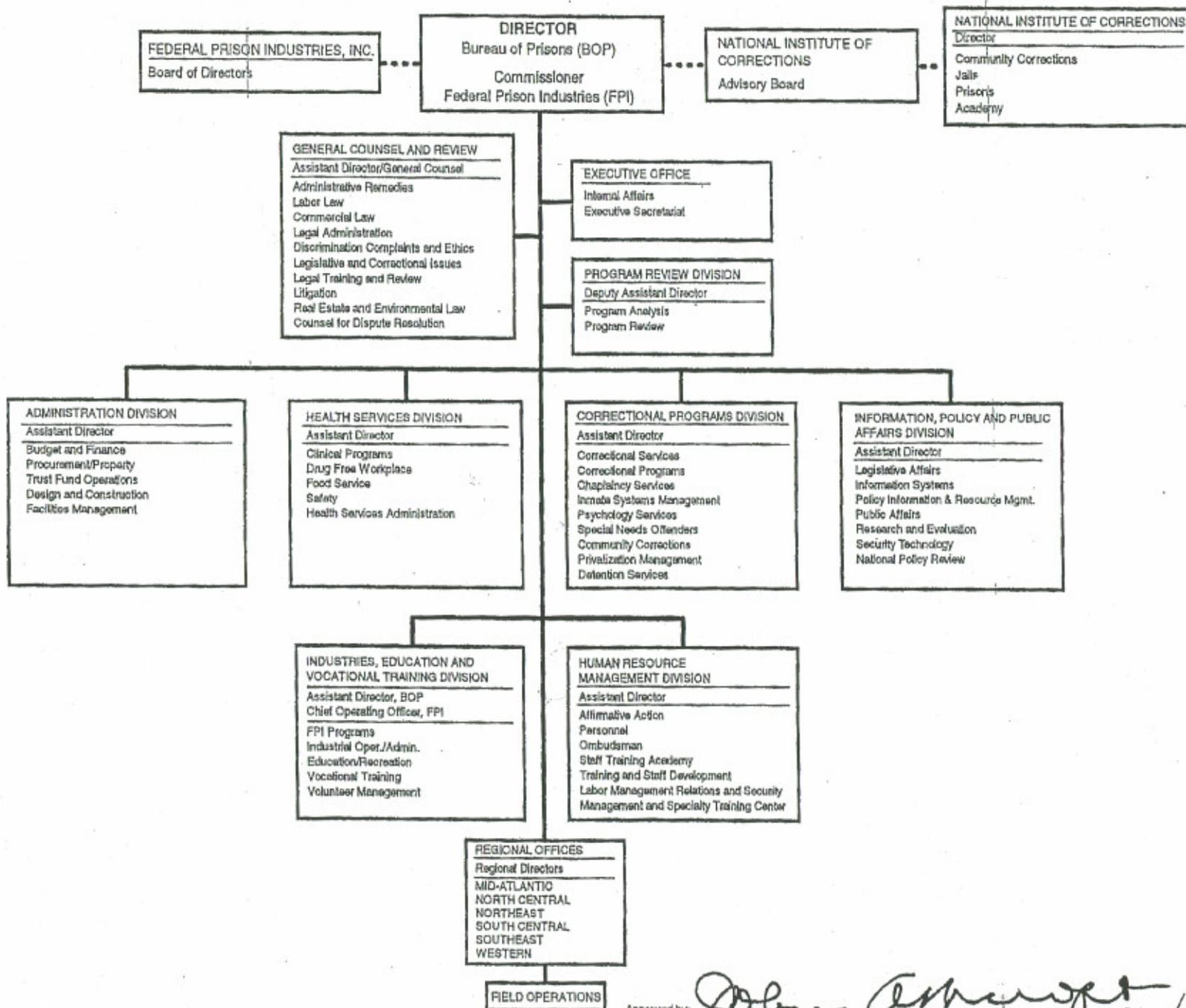
We recognize that the BOP has made significant improvements since our review was initiated in March 2003 to better screen extremist religious services providers. However, our review found that while the BOP has not identified widespread problems with inmate radicalization and terrorist recruiting, chaplaincy services in the BOP remain vulnerable to infiltration by religious extremists, and supervision practices in BOP chapels need strengthening. For example, the BOP currently does not screen religious services providers' doctrinal beliefs to

determine whether the providers pose a security threat. Moreover, once granted access to an institution, the providers typically have ample opportunity to deliver messages without supervision from BOP staff. The BOP also does not effectively use the expertise of its current Muslim chaplains to screen, recruit, and supervise Muslim religious services providers. In addition, the BOP has not developed a recruiting strategy or alternative endorsement requirements to end its shortage of Muslim chaplains. Furthermore, the FBI and the BOP have not effectively exchanged information about endorsing organizations' possible connections to terrorism. In our view, these and other practices identified in this report create unnecessary risks to prison and national security.

This report includes a series of recommendations that address the deficiencies we identified during our review. We believe that the BOP needs to carefully evaluate and implement these recommendations to improve its selection and supervision of religious services providers.

APPENDIX A

FEDERAL BUREAU OF PRISONS



Approved by: John Ashcroft Date: 12-22-03
 JOHN D. ASHCROFT
 Attorney General

APPENDIX B

Security Requirements

Chaplains

1. **Pre-employment screening interview**
(employment and financial history, dishonest conduct, excessive use of force, criminal and driving history)
2. **Panel interview**
3. **Criminal history check** --fingerprint check, record check against all federal and state records
4. **Vouchering of employers & local law enforcement checks** over the last 5 years
5. **Drug screening**
6. **Field investigative check**
7. **Citizen of U.S. or legal resident** from a country allied with the U.S.(list from State Department)

Contractors

1. **Criminal history check** --fingerprint check, record check against all federal and state records
2. **Vouchering of employers** over the last 5 years
3. **Drug screening**
4. **Citizen of U.S. or legal resident** from a country allied with the U.S.(list from State Department)

Volunteers

1. **Criminal history check**-- fingerprint check, federal and state records

2. Interview

Note: For Ex-Offenders:
always escorted

3 years crime free after release; **Current employment or academic status**; **No separatees**; **Criminal history check**