



U.S. Department of Justice Office of the Inspector General

Report to Congress on Implementation of Section 1001 of the USA PATRIOT Act

(as required by Section 1001(3) of Public Law 107-56)

February 2012

Section 1001 of the USA PATRIOT Act (Patriot Act), Public Law 107-56, directs the Office of the Inspector General (OIG) of the U.S. Department of Justice (DOJ or Department) to undertake a series of actions related to claims of civil rights or civil liberties violations allegedly committed by DOJ employees. It also requires the OIG to provide semiannual reports to Congress on the implementation of the OIG's responsibilities under Section 1001. This report, the 20th since enactment of the legislation in October 2001, summarizes the OIG's Section 1001-related activities from July 1, 2011, through December 31, 2011.

I. INTRODUCTION

The OIG is an independent entity within the DOJ that reports to both the Attorney General and Congress. The OIG's mission is to investigate allegations of waste, fraud, and abuse in DOJ programs and personnel and to promote economy and efficiency in DOJ operations.

The OIG has jurisdiction to review programs and personnel in all DOJ components, including the Federal Bureau of Investigation (FBI), the Drug Enforcement Administration (DEA), the Federal Bureau of Prisons (BOP), the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the U.S. Marshals Service (USMS), the U.S. Attorneys' Offices, and other DOJ components.¹

The OIG consists of the Immediate Office of the Inspector General and the following divisions and offices:

- **Audit Division** conducts independent audits of Department programs, computer systems, and financial statements.
- **Evaluation and Inspections Division** conducts program and management reviews that involve on-site inspection, statistical analysis, and other techniques to review Department programs and activities and make recommendations for improvement.
- **Investigations Division** investigates allegations of bribery, fraud, abuse, civil rights violations, and violations of other criminal laws and administrative procedures that govern Department employees, contractors, and grantees.

¹ The OIG has authority to investigate allegations of criminal wrongdoing or administrative misconduct by any Department employee, except for "allegations of misconduct involving Department attorneys, investigators, or law enforcement personnel, where the allegations relate to the exercise of the authority of an attorney to investigate, litigate, or provide legal advice." 5 U.S.C. App. 3 § 8E(b)(2)-(3).

- **Oversight and Review Division** blends the skills of attorneys, investigators, and program analysts to investigate or review high profile or sensitive matters involving Department programs or employees.
- **Management and Planning Division** provides planning, budget, finance, personnel, training, procurement, automated data processing, computer network communications, and general support services for the OIG.
- **Office of General Counsel** provides legal advice to OIG management and staff. In addition, the office drafts memoranda on issues of law; prepares administrative subpoenas; represents the OIG in personnel, contractual, and legal matters; and responds to Freedom of Information Act requests.

The OIG has a staff of approximately 445 employees, about half of whom are based in Washington, D.C., while the rest work from 16 Investigations Division field and area offices and 6 Audit Division regional offices located throughout the country.

II. SECTION 1001 OF THE PATRIOT ACT

Section 1001 of the Patriot Act provides the following:

The Inspector General of the Department of Justice shall designate one official who shall —

- (1) review information and receive complaints alleging abuses of civil rights and civil liberties by employees and officials of the Department of Justice;
- (2) make public through the Internet, radio, television, and newspaper advertisements information on the responsibilities and functions of, and how to contact, the official; and
- (3) submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on a semi-annual basis a report on the implementation of this subsection and detailing any abuses described in paragraph (1), including a description of the use of funds appropriations used to carry out this subsection.

III. CIVIL RIGHTS AND CIVIL LIBERTIES COMPLAINTS

Section 1001 requires the OIG to “review information and receive complaints alleging abuses of civil rights and civil liberties by employees and officials of the Department of Justice.”

The OIG’s Investigations Division manages the OIG’s Section 1001 investigative responsibilities. The two units with primary responsibility for coordinating these activities are Operations Branch I and Operations Branch II, each of which is directed by a Special Agent in Charge and two Assistant Special Agents in Charge (ASAC).² In addition, these units are supported by Investigative Specialists and other staff assigned to the Investigative Support Branch, who divide their time between Section 1001 and other responsibilities.

The Investigations Division receives civil rights and civil liberties complaints via mail, e-mail, telephone, and facsimile. Upon receipt, Division ASACs review the complaints and assign an initial disposition to each matter, and Investigative Specialists enter the complaints alleging a violation within the investigative jurisdiction of the OIG or another federal agency into an OIG database. Serious civil rights and civil liberties allegations relating to actions of DOJ employees or contractors are typically assigned to an OIG Investigations Division field office, where special agents conduct investigations of criminal violations and administrative misconduct.³ Occasionally, complaints are assigned to the OIG’s Oversight and Review Division for investigation.

Given the number of complaints OIG receives compared to its limited resources, the OIG does not investigate all allegations of misconduct against DOJ employees. The OIG refers many complaints involving DOJ employees to internal affairs offices in DOJ components such as the FBI Inspection Division, the DEA Office of Professional Responsibility, and the BOP Office of Internal Affairs. In certain referrals, the OIG requires the components to report the results of their investigations to the OIG. In most cases, the OIG notifies the complainant of the referral.

Many complaints the OIG receives involve matters outside its jurisdiction, and when those matters identify a specific issue for investigation, the OIG forwards them to the appropriate investigative entity. For example,

² These units also coordinate the OIG’s review of allegations of misconduct by Department employees: the Operations Branch I has primary responsibility for matters involving the BOP, USMS, and the U.S. Attorney’s Offices; the Operations Branch II has primary responsibility for matters involving the FBI, DEA, and ATF.

³ The OIG can pursue an allegation either criminally or administratively. Many OIG investigations begin with allegations of criminal activity but, as is the case for any law enforcement agency, do not result in prosecution. When this occurs, the OIG may continue the investigation and treat the matter as a case for potential administrative discipline. The OIG’s ability to handle matters criminally or administratively helps to ensure that a matter can be pursued administratively even if a prosecutor declines to prosecute a matter.

complaints of mistreatment by airport security staff or by the Border Patrol are sent to the Department of Homeland Security OIG. The DOJ OIG has also forwarded complaints to the Offices of Inspectors General at the Departments of State, the Department of Health and Human Services, and the Postal Service. Allegations related to the authority of a DOJ attorney to litigate, investigate, or provide legal advice are referred to the DOJ Office of Professional Responsibility. Allegations related solely to state and local law enforcement or government officials that raise a federal civil rights concern are forwarded to the DOJ Civil Rights Division.

When an allegation received from any source involves a potential violation of federal civil rights statutes by a DOJ employee, the OIG discusses the complaint with the DOJ Civil Rights Division for possible prosecution. In some cases, the Civil Rights Division accepts the case and requests additional investigation by either the OIG or the FBI. In other cases, the Civil Rights Division declines prosecution and either the OIG or the appropriate DOJ internal affairs office reviews the case for possible administrative misconduct.

A. Complaints Processed During This Reporting Period

Between July 1, 2011 and December 31, 2011, the period covered by this report, the OIG processed **616** new civil rights or civil liberties complaints.⁴

Of these complaints, **533** did not fall within the OIG's jurisdiction or did not warrant further investigation. The vast majority (491) of these complaints involved allegations against agencies or entities outside the DOJ, including other federal agencies, local governments, or private businesses. When possible, the OIG referred those complaints to the appropriate entity or advised complainants of the entity with jurisdiction over their allegations. Some complaints (42) raised allegations that were not suitable for investigation by the OIG and could not be referred to another agency for investigation, generally because the complaints failed to identify a subject or agency.

The OIG found that the remaining **83** of the 616 complaints it received involved DOJ employees or DOJ components and included allegations that required further review. The OIG determined that **64** of these complaints raised management issues generally unrelated to the OIG's Section 1001 duties and, consequently, referred these complaints to DOJ components for appropriate handling. Examples of complaints in this category included allegations by federal prisoners about the general prison conditions and by others that the FBI did not initiate an investigation into particular allegations.

⁴ These complaints include all matters in which the complainant made any mention of a civil rights or civil liberties violation, even if the allegation was not within the OIG's jurisdiction.

The OIG identified a total of 19 complaints warranting further investigation to determine whether Section 1001-related abuses occurred. The OIG initiated its own investigations of **3** of these complaints, and referred **16** complaints to the BOP for further investigation. The next section of this report describes the substance of these 19 complaints. Notably, none of the complaints processed during this reporting period specifically alleged misconduct by DOJ employees relating to the use of authorities contained in the Patriot Act.

The following is a synopsis of the new complaints processed during this reporting period involving DOJ employees or components, including allegations requiring further review:

Complaints processed	616
Complaints unrelated to OIG's Section 1001 responsibilities	533
Total complaints within OIG's jurisdiction warranting review	83
Management issues referred to DOJ components for handling	64
Possible Section 1001 complaints warranting investigation by OIG	3
Possible Section 1001 complaints warranting investigation by DOJ components	16

B. Section 1001 Complaints

1. Investigations Opened During This Reporting Period

During this reporting period, the OIG opened 3 new Section 1001 investigations, all of which remain pending, and referred 16 Section 1001-related complaints to the BOP for investigation. BOP completed investigations of 6 of the complaints opened during this period; investigations of the remaining 10 complaints remain pending. The OIG has requested that, upon completion of the investigation of each referred complaint, BOP provide the OIG a copy of its investigative report.

a. *New OIG Investigations*

- The OIG is investigating allegations by a BOP inmate that BOP correctional officers in a Communications Management Unit (CMU), motivated by “anti-Muslim hostility and hatred,” attempted to instigate riots, stabbings, and killings among Muslim inmates by allowing some inmates access to other inmates’ files on the officers’ computer.
- The OIG is investigating allegations by a BOP inmate that two correctional officers spread rumors in the prison, and when the inmate complained, the correctional officers entered his cell, confiscated his “Ramadan food,” and damaged his Koran. The inmate also alleged that another correctional officer uttered racial and religious slurs and physically assaulted him while escorting him to recreation, resulting in a gash over the inmate’s eye that required stitches. The inmate alleged that he submitted more than 10 requests to the Health Services Department for additional medical care, but the staff refused to see him.
- The OIG is investigating allegations by a BOP inmate that Muslim inmates housed in a CMU were subjected to discriminatory and retaliatory measures by BOP staff because of their faith and “ethnic identity.”

b. *Completed BOP Investigations*

- A BOP inmate alleged that a correctional officer displayed animosity toward Muslim inmates, “sh[ook] down” the cells of Muslim inmates more frequently than other inmates, and conducted inappropriate pat searches of Muslim inmates because he is aware they are sensitive about the genital area. The inmate further alleged that the correctional officer threw Arabic magazines in the trash instead of recycling them. The BOP attempted to interview the inmate regarding his allegations, but the inmate stated that he was unwilling to conduct an interview or sign an affidavit, and that he wanted to drop the matter because he would soon be transferring to another facility. The correctional officer denied the allegations. The BOP concluded there was insufficient evidence to substantiate the allegations and closed its investigation.
- Two BOP inmates alleged that a correctional officer harassed Muslim inmates by planting contraband in the Muslim inmates’ cell and by writing an incident report on the Muslim inmates in

retaliation for another inmate filing a complaint against the correctional officer. One of the inmates also alleged that the correctional officer restricted him from using a *miswak* (used for teeth-cleaning). The BOP's investigation found no evidence that the correctional officer placed contraband in the inmates' cell or that he targeted particular inmates. The correctional officer admitted that he would confiscate a *miswak* from an inmate if the inmate had it outside of his cell, but the BOP concluded that no policy exists about where a *miswak* may be used, and that a lack of rules and knowledge about the item did not constitute misconduct. The BOP concluded the allegations were not substantiated and closed the investigation.

- A Muslim inmate alleged that a BOP chaplain acted unprofessionally by mocking the Muslim faith and discriminated against him by not allowing him to participate in the religious diet meal program. BOP interviewed the chaplain, who denied the allegations, and the inmate refused to provide a statement regarding his allegations. The BOP also found that the inmate had refused religious meals and instead requested regular meal items, leading the prison staff to remove him from the program. The BOP concluded that the allegations were not substantiated and closed its investigation.
- A Muslim inmate alleged that two BOP Associate Wardens verbally abused him by making derogatory remarks about his religion, and that later on the same day a "use of force" team of BOP employees entered his cell and a correctional officer slammed his head into the wall. The inmate also alleged that he was placed in restraints for several hours, and that while he was restrained he was physically and verbally abused by the Associate Wardens and not permitted to use the restroom. BOP investigators conducted separate interviews of the Associate Wardens, both of whom denied verbally abusing the inmate or making any derogatory statements about his religion. The BOP investigation revealed that the inmate was forcibly removed from his cell because he refused to submit to restraints and ripped a vent grating from the wall of the cell. A videotape of the incident did not show the correctional officers striking the inmate or slamming his head into a wall. The BOP investigation determined that the inmate was examined by a physician assistant immediately after the use of force, and the inmate made no complaints about pain to his head. The BOP's investigation also determined that the inmate was afforded the opportunity to use the restroom five times during the period he was restrained. The BOP determined there was insufficient

evidence to substantiate the allegations and closed the investigation.

- A BOP inmate wrote a letter in Chinese and was attempting to send it to a newspaper. Upon translation of the letter by a BOP contractor, it appeared that the inmate alleged he was suffering from abuse within the prison from an unknown source and that a correctional officer accused him of being a terrorist. BOP investigators interviewed the inmate. He stated that the translation of the letter was incorrect and that he had written he was being mistreated psychologically and emotionally because the BOP would not allow him to participate in programs to help him succeed upon his release. The inmate also stated that he was not being physically abused, and that no one had called him a terrorist. The inmate clarified that the only programming he had been denied was a transfer closer to his family. According to the BOP, the inmate is not eligible for a transfer at this time. BOP determined the allegations were not substantiated and closed the investigation.
- The wife of a Muslim inmate at a BOP facility alleged that: (i) her husband was falsely accused of starting a riot and was placed in the Special Housing Unit (SHU); (ii) when her husband was escorted to the SHU, a correctional officer slammed his face into a wall and hit his face with the cell door as it was closing, resulting in a chipped tooth; (iii) BOP staff intentionally slammed her husband's hands into the food slot of his cell; (iv) her husband was denied toilet tissue for an extended period of time; (v) he was not permitted to wear his *kufi* or have access to his Koran ; and (vi) a correctional officer said, "This guy needs a bullet in his head." BOP conducted an investigation of the allegations. The correctional officers who escorted the inmate to the SHU denied shoving the inmate, and the inmate stated that he had no injuries. Although the inmate reported having a chipped tooth to a nurse, he claimed that he bumped into a wall and denied to the nurse being hit by staff. The inmate later refused treatment from a dentist. When interviewed by BOP investigators, the inmate stated that he wore his *kufi* when he went to recreation. BOP staff told BOP investigators that they did not tell the inmate that he could not wear his *kufi* to recreation. The BOP investigation found that a correctional officer attempted to resolve the inmate's complaint about his Koran, but the inmate refused to discuss the matter. BOP staff denied verbally abusing the inmate, and not providing him with toilet tissue or other basic necessities. Another inmate told BOP investigators that on the dates in question, he and

complainant had access to water, a toilet, and toiletries. The BOP's investigation revealed there was insufficient evidence to support the allegations, and BOP closed the investigation.

c. Continuing BOP Investigations

- A BOP inmate alleged that a correctional officer hindered his ability to use the BOP administrative process; denied him an Islamic Halal diet; denied him the opportunity for group worship five times a day; restricted him to only five personally owned Islamic books; denied him access to a Sunni Muslim chaplain; and denied him access to undiluted prayer oil. The BOP concluded its investigation of this matter after this reporting period ended, and the allegations were not sustained. The results of the investigation will be described further in our next report.
- Two BOP inmates alleged that BOP employees did not treat Muslim inmates the same as non-Muslim inmates. Specifically, they alleged that Muslim inmates are not allowed to invite guests to their religious services and are not permitted additional time in the chapel to study. The inmates also alleged that correctional officers placed contraband in the cells of Muslim inmates and removed legal documents from a Muslim inmate's cell. The BOP concluded its investigation of this matter after this reporting period ended, and the allegations were not sustained. The results of the investigation will be described further in our next report.
- An inmate alleged that unknown BOP staff members discriminated against him because of his Muslim faith. The inmate alleged that the staff members are using a prior investigation of an assault on staff as a pretext to house him in the SHU, whereas the staff are in fact discriminating against him because of his religion.
- A Muslim inmate alleged that the BOP created "secret prisons" within certain facilities, referring to the CMUs, where inmates are subjected to psychological torture, humiliation, and intimidation. The inmate alleged that inmates are sent to the CMU without due process and that a high percentage of the CMU inmates are Muslim men who have been classified as terrorists without legitimate cause.
- A BOP inmate alleged that BOP employees did not allow him to maintain the proper religious diet in accordance with his

Muslim faith, causing him to violate his religious guidelines. The inmate also alleged he was threatened with placement in the SHU for observing his religion.

- A Muslim inmate alleged that he feared that BOP correctional officers would pay someone to kill or assault him or that his cellmate would assault him because staff told the cellmate he was not being moved because of the complainant. The inmate further alleged that several complaints related to his torture have been ignored; that a correctional officer deliberately served him pork; and that he was denied medical treatment for nerve damage to his hand as a result of misapplication of restraints.
- A Muslim inmate alleged that he was assaulted by a correctional officer while being escorted to the recreation yard. The inmate believed he was assaulted because he was an Arab Muslim.
- A BOP inmate alleged that a BOP chaplain refused to allow Muslim inmates to use the prison chapel to conduct morning prayer during the month of Ramadan and that the chaplain refused to work with non-Christian inmates.
- A BOP inmate alleged that BOP employees were discriminating against Muslim inmates and housing them in the SHU with no explanation. The inmate also alleged that he was improperly placed in the SHU after another Muslim inmate assaulted a staff member; the complainant claimed that he was not involved in the assault.
- An inmate alleged that a BOP correctional officer harassed Muslim inmates and interfered with their attendance at religious services. The inmate further alleged that the correctional officer made hostile and harassing sexual comments to the inmates and touched them in an inappropriate manner.

2. Pending Investigations Opened During Previous Reporting Periods

a. Complaints Referred to BOP

The OIG referred the following 6 complaints to the BOP for investigation during a prior reporting period; the investigations remain open. The OIG has requested that BOP provide a copy of its

investigative report upon completion of the investigation of each referred complaint.

- A BOP employee alleged that an inmate told him that BOP staff directed him to stop helping Islamic inmates “because we don’t help terrorists.”
- A Muslim inmate alleged that a BOP correctional officer sprayed him with chemical agents even though he knew the inmate suffered from chronic asthma. The inmate also alleged he was restrained by his ankles and hands and left in an empty room without a toilet, sink, shower, bed, food, or water for two days. Further, the inmate alleged that a BOP correctional officer told him he hated Muslims, forbade him from practicing his religion, and told him that he had a pork chop sandwich for him if he was hungry. A BOP incident report indicated that the inmate refused to submit to restraints and that a team was required to extract the inmate from his cell. The inmate was medically assessed in a holding cell and given new clothing.
- A Muslim inmate alleged that a BOP lieutenant harassed Arab Muslim inmates; made false allegations against an Arab Muslim inmate and placed him in the SHU; and gave Muslim inmates “evil, hateful looks” for no reason other than their religion and ethnicity.
- A Muslim inmate alleged that (i) BOP employees suggested that all Taliban and Al-Qaida should be killed; (ii) BOP employees did not permit Muslim inmates to pray individually at the workplace or to return to their cells for prayers during their work assignments; (iii) BOP employees placed Muslim inmates in the SHU more frequently than non-Muslim inmates; (iv) BOP employees ignored Muslim inmates’ administrative remedy requests; and (v) BOP staff threatened Muslim inmates to discourage them from filing administrative remedy requests. The complainant stated that efforts to address these issues have been unsuccessful.
- A Muslim inmate alleged that: (i) his religious diet was suspended and that he was placed in “racial segregation” because of lies fabricated by the BOP chaplain and his assistant; (ii) BOP staff tampered with his legal mail and obstructed calls to his attorneys; (iii) BOP staff censured his participation during Islamic services and studies; (iv) the BOP

inappropriately classified him as an international terrorist; and (v) a BOP lieutenant told him that the prison staff hated him.

- A Muslim inmate alleged that a BOP physician sexually harassed her during an examination. The inmate further alleged that she had been racially profiled since September 11, 2001. The inmate also stated that a BOP employee would not permit her to wear loose-fitting clothing and long-sleeved shirts as required by her religion, and that she was placed in the SHU for having worn a loose-fitting shirt.

3. Previously Opened Investigations Closed During This Reporting Period

The OIG completed its investigation of one Section 1001-related matter opened in a prior period. Additionally, the BOP completed investigations of 10 Section 1001-related complaints previously referred by the OIG in prior periods. Upon completion of the investigation of each referred complaint, the BOP provided the OIG a copy of its investigative report.

a. Closed OIG Investigation

- The OIG investigated a Muslim inmate's allegations that two BOP staff members told him they and others hated him because he is Arab and Muslim and that the two employees made inappropriate statements to him relating to his religious articles. The inmate alleged further that BOP correctional officers directed other inmates to attack him; and that he did not receive timely medical treatment for injuries resulting from the assault; that several prison officials threatened him in an effort to force him to withdraw these complaints; that his mail was withheld from him; and that he was denied a transfer to another facility. The OIG investigation found no evidence that the inmate was assaulted by inmates who were working at the direction of prison officials, or that prison officials threatened him with retaliation if he did not recant his statements about the alleged assault. Nor did the investigation substantiate the allegation that the inmate did not receive immediate medical attention after being assaulted. The investigation determined that the inmate was medically assessed by a nurse immediately after he reported an assault. Based on this assessment, the inmate was provided routine, non-emergency follow-up care, and x-ray results were negative for fractures. The inmate's remaining allegations, including that BOP intentionally delayed delivery of his mail, that the inmate was denied a transfer because he was Muslim, and that BOP staff made discriminatory remarks to the inmate because of his religious

beliefs, were not substantiated. The OIG provided its report to the BOP.

b. Closed BOP Investigations

- A Muslim inmate alleged that a BOP employee often talked about a post-traumatic stress disorder and told the inmate that he could kill him and get away with it. The inmate further alleged that the BOP employee spoke negatively about Egyptians and called the inmate a “suicide bomber.” The inmate told BOP investigators that he did not wish to make a statement regarding this incident. The BOP employee denied speaking badly about Egyptians or calling the complainant a “suicide bomber,” and denied being a racist. The BOP determined that the allegations were not substantiated and closed the investigation.
- A Muslim inmate alleged that a correctional officer exhibited a pattern of ridiculing Islamic prayers and religious beliefs, and that the correctional officer intentionally attempted to create problems with Muslim inmates. The BOP investigation concluded that the correctional officer did not disrespect, interfere, or disrupt any Muslim prayers and that he did not attempt to provoke or harass the Muslim inmates. BOP determined that the allegations were not substantiated and closed its investigation.
- A Muslim inmate alleged that a BOP employee encouraged staff to issue fabricated incident reports against him and other Muslim inmates in order to find Muslim inmates guilty of fictitious offenses. The inmate also alleged the BOP employee released information about inmates that placed their lives in jeopardy and that Muslim inmates received more restrictive sanctions than non-Muslim inmates for misconduct. The BOP investigation revealed that the inmate did not have firsthand knowledge of the allegations he made and that complainant had attempted to avoid disciplinary action in the past by alleging discrimination. When interviewed, the employee denied the allegations. The BOP determined that the allegations were not substantiated and closed its investigation.
- An inmate alleged that he was assaulted by a BOP employee because he is Muslim and of Arab descent, and that he was unjustly placed in the SHU for 28 days, which caused him to lose his job at the facility. The inmate also alleged that he was threatened with being sent to the SHU every time he asked staff

about filing an administrative remedy. The inmate stated that he believed the staff possessed a deeply rooted hatred toward Muslim inmates. When interviewed, the inmate stated that he did not wish to comment further about the allegations. The BOP determined that the allegations were not substantiated and closed its investigation.

- A BOP employee reported that Muslim inmates told her that when the inmates were praying in the recreation yard, a BOP employee had approached them and began cursing at them. When one of the inmates tried to speak to the employee who cursed at them, the employee allegedly made a pejorative statement about their praying and told the inmates that they were on the “wrong side” and that “we can smoke you anytime we want.” When the employee was interviewed, he stated that he told the inmates that they were not permitted to pray on the recreation yard, but denied cursing at the inmates or making any other inappropriate or derogatory remarks. The BOP determined that the allegations were not substantiated and closed the investigation.
- A Muslim inmate alleged that BOP employees denied him his religious diet, and when he addressed the issue with a BOP staff member, he was told that he had no rights as a prisoner and that he would not be assisted in obtaining a religious diet. The inmate said he believed that he had been subjected to discrimination based on his religion and ethnicity. The BOP investigation found that these allegations were not substantiated. The investigation also revealed that the inmate had purchased several commissary items that did not comply with the specific requirements of the Muslim diet, and BOP policy stated that inmates who purchased or consumed non-certified foods from the commissary could be temporarily removed from the BOP’s religious diet program. The investigation further determined that the current menu at this facility was a pork-free diet that met Halal requirements. The BOP closed the investigation.
- A Muslim inmate alleged that a BOP chaplain attempted to deny Sunni Muslim inmates the right to pray in the prison chapel, issued a memorandum stating when Sunni Muslim inmates could pray, repeatedly showed her dislike of Sunni Muslim inmates, and used her official position to oppress Sunni Muslim inmates. The chaplain denied the allegations. A review of the memorandum issued by the chaplain revealed that it did not deviate from the Correctional Programs Division guidance

memorandum. The BOP determined that the allegations were not substantiated and closed the investigation.

- A Muslim inmate alleged that a BOP chaplain locked Muslim inmates in a room for prayers because he did not like them standing in the hallway outside his office. The complainant also alleged that the chaplain told other inmates that “Muslims love to read their Koran but always want to blow up something.” The investigation determined that the chaplain exercised his authority to maintain order within the chapel areas to allow all inmates to participate in their particular faith practices undisturbed. The chaplain denied making any derogatory comments to the inmates. BOP determined that the allegations were not substantiated and closed the investigation.
- A Muslim inmate alleged that BOP employees physically and mentally tortured him, provided him with meals containing pork products contrary to his religious diet, and placed him in the SHU without cause. The BOP was unable to interview the complainant because he refused to cooperate with investigators, but BOP investigators reviewed documentary and video evidence and found no evidence to support the allegations. The BOP closed the investigation.
- A Muslim inmate alleged that the BOP chaplain and the Religious Services Department were discriminating against non-Christian religious groups, especially the Moorish Science Temple, an Islamic group. The inmate alleged that the chaplain had a history of showing unprofessional conduct toward the Moorish community and attempting to cover up his unprofessional behavior. The inmate stated that the claims of the Moorish Science Temple inmates have not been successfully addressed through the administrative remedy process. Based on statements from the chaplain and other BOP staff, the investigation determined that the chaplain and the Religious Services Department had not discriminated against the Moorish Science Temple, nor had the staff acted unprofessionally. The inmate also stated his opinion that the chaplain’s conduct had improved since the inmate made his allegations. BOP therefore determined that the allegations were not substantiated and closed the investigation.

IV. OTHER ACTIVITIES RELATED TO POTENTIAL CIVIL RIGHTS AND CIVIL LIBERTIES ISSUES

The OIG conducts other reviews that go beyond the explicit requirements of Section 1001 in order to implement more fully its civil rights and civil liberties oversight responsibilities. The OIG has completed or is conducting several such reviews that relate to the OIG's duties under Section 1001. These reviews are discussed in this section of the report.

A. Review of the FBI's Activities Under Section 702 of the Foreign Intelligence Surveillance Act Amendments Act of 2008

Section 702 of the Foreign Intelligence Surveillance Act (FISA) Amendments Act of 2008 (Act) authorizes the targeting of non-U.S. persons reasonably believed to be outside the United States for the purpose of acquiring foreign intelligence information. As required by the Act, the OIG is reviewing the number of disseminated FBI intelligence reports containing a reference to a U.S. person identity, the number of U.S. person identities subsequently disseminated in response to requests for identities not referred to by name or title in the original reporting, the number of targets later determined to be located in the United States, and whether communications of such targets were reviewed. In addition, the OIG is reviewing the FBI's compliance with the targeting and minimization procedures required under the Act.

B. Review of the Department's Use of Material Witness Warrants

The OIG is reviewing the Department's use of the material witness warrant statute, 18 U.S.C. § 3144. Pursuant to the OIG's responsibility under Section 1001 of the Patriot Act, the OIG is investigating whether the Department's post-9/11 use of the statute in national security cases violated civil rights and civil liberties. The OIG is also examining the Department's controls over the use of material witness warrants and trends in the use of material witness warrants over time, as well as issues such as length of detention, conditions of confinement, and access to counsel.

C. Review of the FBI's Use of National Security Letters, Section 215 Orders, and Pen Register and Trap-and-Trace Authorities under FISA from 2007 through 2009

The OIG is again examining the FBI's use of national security letters (NSLs) and Section 215 orders for business records. Among other issues, this review is assessing the FBI's progress in responding to the OIG's recommendations in its first and second reports on the FBI's use of NSLs, and in its report on the FBI's use of exigent letters and other informal requests for telephone records. A focus of this review is the NSL subsystem, an automated workflow system for NSLs that all FBI field offices and Headquarters divisions have been required to use since January 1, 2008, and the effectiveness of the

subsystem in reducing or eliminating noncompliance with applicable authorities. The current review is also examining the number of NSLs issued and Section 215 applications filed by the FBI between 2007 and 2009, and any improper or illegal uses of these authorities. In addition, the review is examining the FBI's use of its pen register and trap-and-trace authority under FISA.

D. Audit of the FBI's Management of Terrorist Watchlist Nominations and Encounters with Watchlisted Subjects

The OIG is continuing its audit of the FBI's management of terrorist watchlist nominations and encounters with watchlisted subjects. In fiscal years 2008 and 2009, the OIG conducted two audits related to the FBI terrorist watchlist nomination practices. In these audits, the OIG found that the FBI's procedures for processing international terrorist nominations were, at times, inconsistent and insufficient, causing watchlist data used by screening agencies to be incomplete and outdated. The OIG found that the FBI failed to nominate for watchlisting many subjects of its terrorism investigations, did not nominate many others in a timely manner, and did not update or remove watchlist records as required. As a result of these reviews, the FBI reported that it had undertaken several initiatives and implemented new processes and guidelines to enhance its watchlisting system.

The objectives of the OIG's ongoing audit are to: (1) assess the impact of recent events on the FBI's watchlisting system; (2) evaluate the effectiveness of the initiatives recently implemented by the FBI to ensure the accuracy, timeliness, and completeness of the FBI's watchlisting practices, including watchlist nominations, modifications, and removals; and (3) determine whether the FBI is appropriately managing terrorist-related information obtained through the encounter process.

E. Audit of the Department's Efforts to Ensure Safe and Secure Non-Federal Detention Facilities

The OIG is conducting an audit of the Department's efforts to ensure safe and secure non-federal detention facilities. This audit originally focused on the Office of the Federal Detention Trustee's efforts but was expanded to recognize the role of the USMS in achieving this same outcome. According to a recent Bureau of Justice Statistics report, between 2006 and 2010, the number of federal detainees housed in non-federal detention facilities increased from 43,563 to 48,191. This audit seeks to determine whether the Department's oversight efforts ensure a safe, secure, and humane environment for federal detainees held in these non-federal detention facilities.

F. Audit of the FBI's Foreign Terrorist Tracking Task Force

The OIG is conducting an audit of the FBI's Foreign Terrorist Tracking Task Force (FTTTF). The FTTTF was created in October 2001 pursuant to Homeland Security Presidential Directive-2 (HSPD-2). According to HSPD-2, the FTTTF is to coordinate programs with other federal agencies to: (1) deny entry into the United States of aliens associated with, suspected of being engaged in, or supporting terrorist activity; and (2) locate, detain, prosecute, or deport any such aliens already present in the United States.

This audit seeks to determine whether: (1) the FBI has implemented a viable FTTTF strategy to locate and track suspected terrorists and their supporters; (2) the FTTTF's coordination with law enforcement and intelligence agencies, as well as other outside entities, has enhanced its abilities; and (3) the FBI has appropriately managed terrorist-related information maintained by the FTTTF.

V. EXPENSE OF IMPLEMENTING SECTION 1001

Section 1001 requires the OIG to include in this report "a description of the use of funds appropriations used to carry out this subsection."

During this reporting period, the OIG spent approximately \$631,225 in personnel costs, \$15,761 in travel costs, and \$193 in miscellaneous costs, for a total of \$647,179 to implement its responsibilities under Section 1001. The total personnel and miscellaneous costs reflect the time and funds spent by OIG special agents, inspectors, and attorneys who have worked directly on investigating Section 1001-related complaints, conducting special reviews, and implementing the OIG's responsibilities under Section 1001.