



**DEPARTMENT OF JUSTICE | OFFICE OF THE INSPECTOR GENERAL**

# **MANAGEMENT ADVISORY MEMORANDUM**

## **24-047**

**FEBRUARY 2024**

---

Notification of Concerns Regarding Federal Bureau of Prisons' Policies Pertaining to Special Housing Unit Logs Used to Record Mandatory Rounds and the Retention Period for the Original Logs

**INVESTIGATIONS DIVISION**



February 15, 2024

Management Advisory Memorandum

To: Colette S. Peters  
Director  
Federal Bureau of Prisons

A handwritten signature in blue ink that reads "Michael E. Horowitz".

From: Michael E. Horowitz  
Inspector General

Subject: Notification of Concerns Regarding Federal Bureau of Prisons' Policies Pertaining to Special Housing Unit Logs Used to Record Mandatory Rounds and the Retention Period for the Original Logs

---

The purpose of this memorandum is to advise you of the Department of Justice Office of the Inspector General's (OIG) concerns regarding Federal Bureau of Prisons' (BOP) policies and practices pertaining to the creation and retention of Special Housing Unit (SHU) logs used to document mandatory rounds by correctional officers (CO), and the inadequacy of such policies and practices to ensure the preservation of those original documents as evidence when allegations of misconduct are raised.<sup>1</sup> The OIG identified these concerns in connection with an OIG investigation of two COs who allegedly failed to conduct mandatory SHU rounds during or around the time of an assault that resulted in an inmate's death. The OIG substantiated allegations that the COs did not conduct multiple mandatory rounds and that the COs falsified the SHU log used to record the mandatory rounds. The investigation further disclosed that the SHU log used to record the mandatory rounds on the day of the assault, which was investigated by the Federal Bureau of Investigation (FBI), was photocopied and placed back into the daily log binder, only for the original to be destroyed as a standard business practice approximately 30 days later.<sup>2</sup> This failure to maintain original copies complicated potential criminal prosecution of the COs.

---

<sup>1</sup> According to BOP Program Statement 5720.11, SHUs are housing units in BOP institutions where inmates are "securely separated from the general population" to "help ensure the safety, security, and orderly operation of correctional facilities, and protect the public, by providing alternative housing assignments for inmates removed from the general population." The term "mandatory rounds" is used to refer to rounds that are required by BOP policy to occur twice per hour on an irregular schedule and no more than 40 minutes apart with all observations being documented.

<sup>2</sup> After reviewing a draft of this memorandum, the BOP stated that, "The root problem . . . does not appear to be the correctness or lack of requirements present in FBOP policy, but rather relates to employee misconduct, or falsification and premature destruction of those logs." While the OIG substantiated misconduct in the investigation that formed the basis of this memorandum, that finding does not address the systemic concerns we identified. Specifically, we identified a lack of consistency in BOP practices across institutions regarding retention of mandatory SHU round logs. Moreover, a

Specifically, our concerns are:

- The BOP has neither a standard form for BOP personnel to document mandatory SHU rounds nor baseline standards for the information that must be documented in a SHU round form;
- The BOP's practices regarding retention of SHU round logs vary by institution;
- The BOP's practice at one or more institutions of destroying such logs within 30 days is inconsistent with its 6-month National Archives and Records Administration (NARA) record retention schedule for SHU round logs;
- The BOP's policy documents are silent regarding the retention of such logs; and
- Even the 6-month document retention schedule may be inadequate to meet the evidentiary needs of criminal investigations and prosecutions.

The OIG makes four recommendations to address our identified concerns in this memorandum.

### **Relevant Authorities**

BOP Program Statement (PS) 5500.14 – Correctional Services Procedures Manual, Section 300 states that each institution will conduct, at a minimum, five official counts of inmates in the general population during every 24-hour period, and that on weekends and holidays an additional count will be conducted at 10:00 a.m. Section 300 further provides that official counts of inmates in the general population will be “readily available on the Master Count Sheet” that is maintained in the Control Center and in SENTRY, which is the BOP’s electronic inmate management system. In addition, Section 303 states that these official counts “are to be recorded on the SENTRY generated form” or, if SENTRY is unavailable, on the Official Count form.

A separate section, Section 310, addresses counts of inmates in the SHU. This section states:

A staff member must observe all inmates confined in continuous locked down status, such as administrative detention or disciplinary segregation, at least once in the first 30 minute period of the hour (example, 12:00 a.m. - 12:30 a.m.) followed by another round in the second 30 minute period of the same hour (example, 12:30 a.m. – 1:00 a.m.), thus ensuring an inmate is observed at least twice per hour. These rounds are to be conducted on an irregular schedule and no more than 40 minutes apart. All observations must be documented.

Unlike the requirements with respect to general population rounds in Sections 300 and 303, Section 310 does not establish a standard form for documenting SHU rounds and does not state that such documentation should be preserved in a central electronic location. Section 310 also does not contain guidance regarding how long documentation of SHU rounds should be retained.

In addition, the Correctional Services Procedures Manual, Section 8, states in relevant part that Attachment A – Retention of Documents, dated October 19, 2012, contains a list of documents and the length of time they must be stored for future reference. Attachment A does not reference retention of SHU logs used to record mandatory rounds.

---

BOP official at the institution where the misconduct occurred told the OIG that the institution has a practice of retaining such logs for only 30 days. These facts are indicative of a systemic problem requiring attention by the BOP.

BOP PS 5510.14 – Crime Scene Management and Evidence Control, Section 102, dated August 22, 2011, states in relevant part that, regardless of the type of crime scene, several key issues must be considered; for instance, a crime scene is fragile, and if not properly protected, evidence will be compromised or lost. Evidence must be properly identified, collected, documented, and preserved in accordance with evidence recovery procedures. Section 112, which is related to Post-Crime Scene Activities, states in relevant part that, to ensure a thorough investigation is conducted, one should review possible link analysis using logbooks, census, passbooks, out counts, investigative record systems, and daily sensitive information reports. Section 210, regarding Documents, states in relevant part that document evidence is protected in plastic and that an Evidence Control Number and other identifiers are written on the outside of the plastic.

The National Archives and Records Administration (NARA) “Request for Records Disposition Authority” for the BOP indicates that SHU rounds forms are temporary documents that will be destroyed six months after the event date.

### **The Issue**

During the course of an OIG investigation into the misconduct of two COs who failed to conduct mandatory SHU rounds during or around the time of an inmate’s death and then falsified the SHU log used to document the mandatory rounds, we discovered that BOP’s practices regarding retention of SHU logs varied by institution, are not reflected in BOP’s policy documents used by BOP staff, and are inconsistent with the BOP’s NARA record retention schedule. The OIG substantiated allegations that the COs did not conduct multiple rounds and falsified the SHU log to indicate otherwise. The investigation further disclosed that the SHU logs used to document mandatory rounds related to the shift during which the inmate died were initially collected, photocopied, and placed back into the daily binder, and the original was destroyed (approximately 30 days later) as a standard business practice at the particular BOP institution before the matter could be investigated by the OIG or the FBI. This failure to maintain original copies complicated potential criminal prosecution of the COs.

In the course of the investigation described above, the OIG contacted six different BOP institutions to inquire about their retention policies or practices pertaining to SHU logs used to document mandatory rounds; the institutions’ responses reflected that their retention periods for these SHU logs ranged from 30 days to 6 months to 10 years.

As noted above, the NARA “Request for Records Disposition Authority” for the BOP indicates that SHU round forms are temporary documents that will be destroyed six months after the event date. However, this is not reflected in BOP’s policy documents that are used by BOP staff to guide their work performance. Rather, BOP’s policy documents are silent as to the retention of SHU logs. This silence makes it difficult for BOP staff to know what is expected of them.

In addition, we found that even the destruction time period reflected in the NARA document retention schedule may be inadequate to ensure preservation of evidence for criminal cases or staff misconduct cases when a crime involving inmates has occurred. The OIG has conducted numerous investigations of allegations that BOP employees falsified round documentation; thus, such documentation is often important evidence in criminal investigations and prosecutions. Moreover, investigations of BOP employees who allegedly falsified round documentation are often initiated as a result of information discovered during investigations of criminal conduct by inmates. However, the BOP’s Crime Scene Management and Evidence Control policy does not specifically require collection and preservation of evidence concerning potentially related staff misconduct when a crime involving inmates has occurred. Based on the OIG’s experience, when there is an allegation of criminal conduct by an inmate, there is often also a question of whether potential staff misconduct either contributed to or facilitated the inmate’s crime. If documentation related

to potential staff misconduct, such as mandatory round logs, are only retained for 6 months, such evidence may be destroyed before the discovery that a crime occurred. Indeed, in the investigation described above, the FBI discovered that the COs failed to conduct rounds and falsified round documentation during the course of the investigation of the underlying assault; however, by that time the original logs had already been destroyed.

A BOP Central Office employee confirmed that the SHU round form in which BOP staff document their mandatory rounds is not a standard form and is created by each institution. In addition, the OIG found that different BOP employees referred to the SHU round form using different terminology. The OIG believes that a standard form, or baseline standards for such a form along with a uniform and consistent manner of identifying such form, would (1) enable the BOP to ensure that all essential information is included in the SHU log forms used by different institutions; and (2) enable the BOP and other law enforcement and prosecuting offices to ensure that the correct forms and information are preserved for administrative and criminal investigations.

### **Conclusions**

The lack of either an official form for recording mandatory SHU rounds or baseline standards for such a form creates the risk that institutions will use forms that do not include all essential information needed to ensure that inmates are safe and present during mandatory rounds. Further, the lack of a standard identifier for such a form creates a risk that BOP employees and other law enforcement and prosecuting agency employees will not preserve all necessary forms for administrative and criminal investigations. In addition, the absence of consistent and clear BOP policies and practices regarding the preservation and retention of SHU round documentation potentially jeopardizes criminal investigations and prosecutions, where the original SHU log itself could constitute evidence of a crime. These shortcomings in BOP policy concerning SHU logs also hinder the ability of BOP to hold accountable any BOP personnel who may violate BOP policy relating to round counts and the recording of such counts.

### **Recommendations**

The OIG recommends that the BOP take the following actions to address the concerns identified in this memorandum:

1. BOP should create a standard form for BOP staff to use to document mandatory rounds in SHUs, or should establish baseline standards and a standard identifier for the SHU round forms used by different institutions.
2. BOP should reassess its policies to ensure that SHU round documentation is preserved for the possible use of such documentation as original evidence in criminal and administrative investigations and proceedings. As part of this reassessment, the BOP should, among other things, consider (1) adjusting its records retention schedule for SHU round forms; and (2) amending its policies to ensure that staff responding to crime scenes associated with inmate misconduct also collect evidence of potentially related staff misconduct, such as SHU round documentation, and account for the possible use of such evidence as original evidence in criminal and administrative investigations and proceedings.
3. BOP should modify its policies regarding SHU round forms, including BOP Program Statement 5500.14, Section 310, to refer employees to the document retention schedule for SHU round forms, or otherwise ensure that its employees across all institutions are aware of the retention schedule.

4. BOP should ensure that all Special Investigative Services Staff, Executive Management Staff, staff involved with evidence collection and preservation, and other relevant staff are trained/advised on how to preserve SHU logs and to recognize when they may be needed as original evidence in criminal or administrative investigations and proceedings, e.g., when there is an escape or death in custody and the original log may reflect who purportedly conducted round counts during the pertinent time period.

The OIG provided a draft of this memorandum to the BOP, and the BOP's response is incorporated as Appendix 1. The BOP indicated in its response that it agreed with the recommendations. Appendix 2 provides the OIG's analysis of the BOP's response and a summary of the action necessary to close the recommendations. The OIG requests that the BOP provide an update on the status of its response to the recommendations within 90 days of the issuance of this memorandum. If you have any questions or would like to discuss the information in this memorandum, please contact me at (202) 514-3435 or Sarah E. Lake, Assistant Inspector General for Investigations, at (202) 616-4730.

cc: Bradley Weinsheimer  
Associate Deputy Attorney General  
Department of Justice

# Appendix 1: The BOP's Response



U.S. Department of Justice

Federal Bureau of Prisons

Office of the Director

Washington, DC 20534

February 12, 2024

MEMORANDUM FOR SARAH E. LAKE  
ASSISTANT INSPECTOR GENERAL  
INVESTIGATIONS DIVISION

A handwritten signature in blue ink, appearing to read "Colette S. Peters", is positioned above the name in the "FROM:" field.

FROM: Colette S. Peters, Director

SUBJECT: Response to the Office of Inspector General's (OIG) Draft Management Advisory Memorandum (MAM): Notification of Concerns Regarding Federal Bureau of Prisons' Policies Pertaining to Special Housing Unit Logs Used to Record Twice-Hourly Rounds and the Retention Period for the Original Logs.

The Federal Bureau of Prisons (FBOP) appreciates the opportunity to formally respond to the Office of the Inspector General's above-referenced draft MAM. The FBOP values the OIG's assessment regarding Special Housing Unit (SHU) logs and their retention period.

At the outset, FBOP notes that the root cause of issues addressed in this MAM relate primarily to employee misconduct. The facts and circumstances describe FBOP employees who falsified information and/or failed to retain logs used to record SHU rounds for the required retention period. This fact pattern reflects a failure to follow FBOP's longstanding policies, regulations, and/or laws. While the misconduct described in this MAM is troubling, the appropriate redress is to hold such persons accountable so as to alert and deter others. It should be noted, however, that those who took part in such conduct represent a very small percentage of the approximately 35,000 employees across more than 120 institutions who continue to strive for correctional excellence every day.

In the MAM, OIG makes recommendations to enhance FBOP policies and practices and improve accountability. In response to this and previous OIG and Government Accountability Office (GAO) engagements, FBOP began in 2023 to evaluate nationwide trends and strengthen employee accountability. FBOP's new mission, announced in April 2023, is to operate as corrections professionals who foster a humane and secure environment and ensure public safety

by preparing individuals for successful reentry into our communities. FBOP's core values include accountability, integrity, respect, compassion, and correctional excellence. Of note, our core value of accountability requires FBOP employees to be responsible and transparent to the public, ourselves, and to those in our care and custody by the standards we establish, the actions we take, and the duties we perform. As reflected in our mission and core values, FBOP is committed to providing a safe environment for adults in our custody.

The FBOP offers the following comments regarding the draft report recommendation directed at the FBOP.

**Recommendation One:** BOP should create a standard form for BOP staff to use to document mandatory rounds in SHUs or should establish baseline standards and a standard identifier for the SHU round forms used by different institutions.

**FBOP's Response:** The FBOP concurs with this recommendation and will establish baseline standards for employees to use to document mandatory rounds in SHUs and will designate a standard identifier for SHU round forms used by different institutions. However, because there are several different physical SHU designs throughout our 121 FBOP institutions, it is not practical to develop one standard form to be used at all locations.

**Recommendation Two:** BOP should reassess its policies to ensure that SHU round documentation is preserved for the possible use of such documentation as original evidence in criminal and administrative investigations and proceedings. As part of this reassessment, the BOP should, among other things, consider (1) adjusting its records retention schedule for SHU round forms; and (2) amending its policies to ensure that staff responding to crime scenes associated with inmate misconduct also collect evidence of potentially related staff misconduct, such as SHU round documentation, and account for the possible use of such evidence as original evidence in criminal and administrative investigations and proceedings.

**FBOP's Response:** FBOP concurs with this recommendation and will reassess its policies to ensure that SHU round documentation is preserved for the possible use of such documentation as original evidence in criminal and administrative investigations and proceedings. However, FBOP does not agree that employee misconduct is implicated in all crime scenes associated with AIC misconduct.

FBOP will consider adjusting its records retention schedule for SHU round forms. According to the currently approved records retention schedule, Correctional Services Records (DAA-0129-2019-0004), dated December 7, 2020, the FBOP is required to retain "Special Housing Unit Rounds Form" for 6 months after the date of the event.

Further, the FBOP will also consider amending its policies to include ensuring that investigative employees responding to crime scenes associated with inmate misconduct collect and preserve all relevant evidence in accordance with National Archives and Records Administration (NARA)



retention schedules. Prior to changing its retention schedules, FBOP will need to consult with and obtain approval from NARA as part of this process.

**Recommendation Three:** BOP should modify its policies regarding SHU round forms, including the Correctional Services Procedures Manual, Program Statement 5500.14, Section 310, to refer employees to the document retention schedule for SHU round forms, or otherwise ensure that its employees across all institutions are aware of the retention schedule.

**FBOP's Response:** The FBOP concurs and will ensure that its policies regarding SHU round forms, including Program Statement 5500.14, Section 310, refer to the NARA-approved document retention schedule.

**Recommendation Four:** BOP should ensure that all Special Investigative Services Staff, Executive Management Staff, staff involved with evidence collection and preservation, and other relevant staff are trained/advised on how to preserve SHU logs and to recognize when they may be needed as original evidence in criminal or administrative investigations and proceedings, e.g., when there is an escape or death in custody and the original log may reflect who purportedly conducted round counts during the pertinent time period.

**FBOP's Response:** The FBOP concurs and will ensure that relevant FBOP employees involved with evidence collection and preservation, including Special Investigative Services Staff, are appropriately trained, to the extent that FBOP is responsible for such training. Executive Management staff will be trained as necessary and applicable.

FBOP's Intelligence and Counterterrorism Branch (ICTB) currently provides an entry-level evidence recovery and preservation session during its two-week Investigative Intelligence training course. Specifically, during this session, evidence recovery and preservation is explained regarding all types of evidence inclusive of documents such as SHU logs. Additionally, ICTB provides Evidence Recovery Team (ERT) Instructor training, which is a one-week course consisting of more detailed and advanced evidence recovery and preservation procedures. Once again, this course provides instruction for all types of evidence, inclusive of documents.

## Appendix 2: Office of the Inspector General Analysis of BOP's Response

The OIG provided a draft of this memorandum to the BOP, and the BOP's response is incorporated as Appendix 1. The BOP indicated in its response that it agreed with the recommendations.

The following provides the OIG's analysis of the BOP's response and a summary of the action necessary to close the recommendation. The OIG requests that the BOP provide an update on the status of its response to the recommendation within 90 days of the issuance of this memorandum.

**Recommendation 1:** BOP should create a standard form for BOP staff to use to document mandatory rounds in SHUs, or should establish baseline standards and a standard identifier for the SHU round forms used by different institutions.

**Status:** Resolved.

**BOP Response:** The BOP reported the following:

The [BOP] concurs with this recommendation and will establish baseline standards for employees to use to document mandatory rounds in SHUs and will designate a standard identifier for SHU round forms used by different institutions. However, because there are several different physical SHU designs throughout our 121 [BOP] institutions, it is not practical to develop one standard form to be used at all locations.

**OIG Analysis:** The BOP's response is responsive to the recommendation. The OIG will consider whether to close this recommendation after the BOP establishes baseline standards for employees to use to document mandatory rounds in SHUs and designates a standard identifier for SHU round forms used by different institutions.

**Recommendation 2:** BOP should reassess its policies to ensure that SHU round documentation is preserved for the possible use of such documentation as original evidence in criminal and administrative investigations and proceedings. As part of this reassessment, the BOP should, among other things, consider (1) adjusting its records retention schedule for SHU round forms; and (2) amending its policies to ensure that staff responding to crime scenes associated with inmate misconduct also collect evidence of potentially related staff misconduct, such as SHU round documentation, and account for the possible use of such evidence as original evidence in criminal and administrative investigations and proceedings.

**Status:** Resolved.

**BOP Response:** The BOP reported the following:

[BOP] concurs with this recommendation and will reassess its policies to ensure that SHU round documentation is preserved for the possible use of such documentation as original evidence in criminal and administrative investigations and proceedings. However, [BOP] does not agree that employee misconduct is implicated in all crime scenes associated with AIC misconduct. [BOP] will consider adjusting its records retention schedule for SHU round forms. According to the currently approved records retention schedule, Correctional Services Records (DAA-0129-2019-

0004), dated December 7, 2020, the [BOP] is required to retain "Special Housing Unit Rounds Form" for 6 months after the date of the event.

Further, the [BOP] will also consider amending its policies to include ensuring that investigative employees responding to crime scenes associated with inmate misconduct collect and preserve all relevant evidence in accordance with National Archives and Records Administration (NARA) retention schedules. Prior to changing its retention schedules, [BOP] will need to consult with and obtain approval from NARA as part of this process.

**OIG Analysis:** The BOP's response is responsive to the recommendation. The OIG will consider whether to close this recommendation after the BOP reassesses its policies to ensure that SHU round documentation is preserved for the possible use of such documentation as original evidence in criminal and administrative investigations and proceedings and makes appropriate policy and procedure changes consistent with that reassessment.

**Recommendation 3:** BOP should modify its policies regarding SHU round forms, including BOP Program Statement 5500.14, Section 310, to refer employees to the document retention schedule for SHU round forms, or otherwise ensure that its employees across all institutions are aware of the retention schedule.

**Status:** Resolved.

**BOP Response:** The BOP reported the following:

The [BOP] concurs and will ensure that its policies regarding SHU round forms, including Program Statement 5500.14, Section 310, refer to the NARA-approved document retention schedule.

**OIG Analysis:** The BOP's response is responsive to the recommendation. The OIG will consider whether to close this recommendation after the BOP modifies its policies regarding SHU round forms, including BOP Program Statement 5500.14, Section 310, to refer employees to the document retention schedule for SHU round forms.

**Recommendation 4:** BOP should ensure that all Special Investigative Services Staff, Executive Management Staff, staff involved with evidence collection and preservation, and other relevant staff are trained/advised on how to preserve SHU logs and to recognize when they may be needed as original evidence in criminal or administrative investigations and proceedings, e.g., when there is an escape or death in custody and the original log may reflect who purportedly conducted round counts during the pertinent time period.

**Status:** Resolved.

**BOP Response:** The BOP reported the following:

The [BOP] concurs and will ensure that relevant [BOP] employees involved with evidence collection and preservation, including Special Investigative Services Staff, are appropriately trained, to the extent that [BOP] is responsible for such training. Executive Management staff will be trained as necessary and applicable.

[BOP's] Intelligence and Counterterrorism Branch (ICTB) currently provides an entry-level evidence recovery and preservation session during its two-week Investigative Intelligence training course. Specifically, during this session, evidence recovery and preservation is explained regarding all types

of evidence inclusive of documents such as SHU logs. Additionally, ICTB provides Evidence Recovery Team (ERT) Instructor training, which is a one-week course consisting of more detailed and advanced evidence recovery and preservation procedures. Once again, this course provides instruction for all types of evidence, inclusive of documents.

**OIG Analysis:** The BOP's response is responsive to the recommendation. The OIG will consider whether to close this recommendation after the BOP ensures that all Special Investigative Services Staff, Executive Management Staff, staff involved with evidence collection and preservation, and other relevant staff are trained/advised on how to preserve SHU logs and to recognize when they may be needed as original evidence in criminal or administrative investigations and proceedings.