

U.S. Rep. Grothman: Questions prison officials on how to better protect inmates

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(Washington, D.C.) – Congressman Glenn Grothman (R-Glenbeulah) today, at a House Committee on Oversight and Government Reform Committee hearing, questioned The Honorable Michael E. Horowitz, Inspector General for the Department of Justice and Mr. Hugh J. Hurwitz, Acting Director for the Federal Bureau of Prisons (BOP) on how the Bureau of Prisons (BOP) holds both inmates and guards accountable for wrongdoing.

Specifically, Grothman questioned about the Prison Rape Elimination Act (PREA). Since being enacted into law, PREA has led to a large number of frivolous accusations against guards, which in turn leads to a litany of paperwork. Grothman's line of questioning was designed to gain insight to these false accusations in order to discern how we can both A) protect actual victims under PREA and B) reduce frivolous reporting that only serves to distract from other important prison matters.

Excerpts of Grothman's questioning

Congressman Grothman: "I do have the Oxford federal prison right outside of my district and several state prisons in my district. When I talk about PREA I think there's sometimes a forgotten person here. Everybody says 'we've got all these out of control prison guards, we've got to crack down on the prison guards'. A lot of prisoners, and perhaps it's not surprising given the type of people who wind up prisoners and the fact that being a prisoner is kind of a boring life, I think they sit

around and try to make lives miserable for the guards. What percentage of PREA complaints do you find meritless, and what are we doing to stop that?"

Mr. Hurwitz: *"Sir, the PREA complaints, again, like any other sort of sexual misconduct, whether it be a staff member or an inmate, is absolutely unacceptable. Earlier, I mentioned the direction I sent out to all of our wardens, our expectation is a zero tolerance policy. I expect that if there are inmates acting in an inappropriate behavior that we take action against them as well. Sometimes that's difficult because the inmates, there is very little to deter the inmates because there is no federal crime associated with that activity. So we can discipline them, at most they may get a misdemeanor. But that's a very difficult area because there's not a lot of deterrent for inmates to not act up. That being said, it's a very small percentage of inmates who do act up, I think it's less than 1 percent."*

Grothman: "By 'act-up' do you mean by a sexual assault, or make a frivolous complaint?"

Hurwitz: *"No, no, I mean inmates who acted in sexually inappropriate behavior."*

Grothman: "The point I'm trying to make is, I have very many prison guards in my district. And of course PREA doesn't just affect the federal prisons, it affects the state prisons as well, it affects the county jails as well. Not just in PREA but anywhere across the board, given that some of these people are in prison a long period of time, given that they come from a background in which they're not afraid to break the rules or they wouldn't be in prison in the first place, sometimes their goal is to make things miserable for the prison guards. And I wonder what you're doing about that? Or do the prison guards just have to put up with this forever?"

Hurwitz: *"I'm sorry, absolutely not, the prison guards aren't expected to put up with that. Our expectation is that they will write up discipline against the inmate. If it's appropriate, it will be turned over to the U.S. attorney for prosecution. Like I said, unfortunately, there's not a lot of disincentive for the inmates to not do that because there's no federal crimes."*

Grothman: "How often, say in the last two or three years, have we disciplined any inmates, as far as you're concerned, for making something up just to irritate a guard?"

Hurwitz: *"I think that happens fairly often. Probably on a regular basis."*

Grothman: “We discipline the inmates?”

Hurwitz: “*Absolutely.*”

Click [here](#) to view Grothman’s full remarks (beginning at 1:02:51).

Additional Information

Purpose:

- To evaluate the Bureau of Prisons’ (BOP) response to findings and recommendations from the Department of Justice (DOJ) Office of Inspector General (IG).
- To examine how BOP intends to hold its leaders accountable for wrongdoing, and uphold the ideals of professionalism, safety, and integrity within the federal prison system.

Background:

- On September 18, 2018, the DOJ IG released a report recommending BOP improve policies and programs to better accommodate gender-specific needs. The IG offered ten recommendations for BOP to improve management of its female population, and BOP concurred with all ten recommendations.
- On December 13, 2017, the Committee held a [hearing](#) to examine areas of improvement at BOP, enhanced reentry policies, and cost effectiveness measures.
- Since the hearing, the Committee received allegations from BOP employees detailing a toxic culture where managers tolerate and engage in misconduct, mismanagement, and whistleblower intimidation.