

Testimony of

Mr Harley Lappin

June 25, 2003

Mr. Chairman and Members of the Committee:

I appreciate the opportunity to appear before you today to discuss the various serious issues raised by the Department of Justice Office of Inspector General. The Office of Inspector General (OIG) plays a crucial role in providing objective oversight and promoting efficiency and effectiveness within the Department of Justice. We appreciate the opportunity that the Inspector General provides to help us continue to improve.

On September 11, 2001, this country experienced events that we have never faced in the history of our Nation. We were attacked by terrorists on our own soil. In the months following these tragic events and continuing today, the Department of Justice's central mission has been protecting Americans from further acts of terrorism. The Bureau of Prisons helped in that effort and continues to play a significant role in the war on terrorism. We continue to work closely with the Federal Bureau of Investigations (FBI) and other components on the largest criminal investigation in the Nation's history to bring to justice the individuals responsible for the tragedies of September 11 and prevent future acts of terrorism.

Within days of the terrorist attacks on September 11, the Bureau of Prisons was tasked with detaining aliens deemed by Federal law enforcement to be of great significance to its terrorism investigations. In the months following September, 11, we had 185 detainees incarcerated at several Bureau of Prisons facilities. The Metropolitan Detention Center (MDC) in Brooklyn was one such facility and it housed a substantial number of detainees. Given its proximity to the World Trade Center, the institution suffered some substantial disruptions to its operation. Nevertheless, the institution staff were able to keep the institution operating in a safe and secure manner.

Beginning on September 14, 2001, and for some time thereafter, the Bureau of Prisons received detainees who were deemed by the FBI to be of "high interest" to the investigations into the tragedies of September 11. These individuals were suspected of having ties to terrorist organizations. However, limited law enforcement data was available on these individuals; law enforcement agencies lacked the standard data normally used by the BOP to assess detainees. Thus, to ensure the safety of our staff and the public, we housed the detainees under the same conditions we employ for other persons believed capable of committing acts of violence - directly or indirectly. It was our concern about the indirect actions - specifically the threat that they could pose to the United States by communicating key information or directions that could lead to further acts of terrorism on U.S. soil - that contributed substantially to the greatly restricted communication with friends, family, and even counsel. This and related concerns were reflected throughout the Department of Justice in policies and practices regarding limitations on communication with the detainees.

The OIG report regarding the September 11 detainees includes allegations made by some detainees that they were abused by one or more Bureau employees. The report notes that these allegations are currently under investigation. We take all allegations of staff misconduct and mistreatment very seriously and investigate every allegation thoroughly. We do not tolerate any type of abuse of inmates. When allegations of serious abuse are accompanied by credible evidence, the staff member is removed from contact with inmates or placed on administrative leave. We refer serious cases of staff misconduct for criminal prosecution when warranted.

With respect to the detainees, the Bureau referred any and all allegations of abuse that we became aware of to the OIG's New York office. To our knowledge, all allegations by the post-September 11 detainees housed at MDC Brooklyn either have been investigated and found to be without substantiation or are currently being investigated. Thus, while troubling, the OIG's conclusion that abuse took place has not led to any formal action. If these allegations of misconduct are substantiated, I want to emphasize that the Bureau will take appropriate and decisive action. However, in the 21 months since the Bureau began detaining individuals related to the September 11 investigation,

the Bureau has not been provided with any information from the OIG that any criminal charges are going to be brought against any employees or that any administrative misconduct has been substantiated.

In closing, I am proud of the work of the Bureau of Prisons and of its staff as they accepted the challenges of this truly unique situation. The Bureau continues to effectively meet our mission to protect society by confining offenders in facilities that are safe, humane, cost-efficient, and appropriately secure. We take this role and our expanding role in the fight against terrorism very seriously.

Mr. Chairman, this concludes my prepared remarks. I would be pleased to answer any questions you or other Members of the Committee may have.