



August 7, 2020

The Honorable Gerald E. Connolly
Chairman
Subcommittee on Government Operations
Committee on Oversight and Reform
U.S. House of Representatives

Dear Chairman Connolly:

I am writing in response to your June 15, 2020, letter requesting the Department of Justice (DOJ) Office of the Inspector General (OIG) to examine the DOJ's plans and procedures for returning employees to federal offices in the wake of the COVID-19 pandemic. The OIG shares your concerns about ensuring the safety of DOJ employees. Our current assessment, based on our monitoring of DOJ's communications to employees about its planning, is that the most effective use of our resources is to examine and report on DOJ's efforts to safeguard employees whose duties have required them to report to their duty stations throughout the pandemic, and to provide a safe and secure environment for those in DOJ's custody.

With that objective in mind, my office determined that the most acute public health challenge facing DOJ was ensuring the safety of the nearly 40,000 Federal Bureau of Prisons (BOP) and contractor staff, and the approximately 180,000 persons in BOP's custody. Beginning in March 2020, my office shifted a significant portion of our oversight efforts to conduct remote inspections of selected BOP and contract prison facilities, including contract Residential Reentry Centers (more commonly known as halfway houses). We are assessing whether BOP and the contract facilities are complying with available guidance and best practices regarding the prevention, management, and containment of potential COVID-19 outbreaks in correctional and residential reentry settings. We released the first of our inspection reports on July 23, and plan to issue additional inspection reports in the coming weeks.

In addition, we are reviewing the U.S. Marshals Service's (USMS) response to the COVID-19 pandemic, assessing whether the USMS is complying with available guidance and best practices regarding prevention, management, and containment of potential COVID-19 outbreaks that could affect federal detainees and USMS staff. We also are conducting a review of the Executive Office for Immigration Review's (EOIR) handling of certain challenges to its operations due to the COVID-19 pandemic, including EOIR's communication to staff, parties to proceedings, and the public about immigration court operations; its use of personal protective equipment; its use of worksite flexibilities; and its ability to mitigate health risks while maintaining operations.

To further inform our allocation of resources, and to provide an appropriate reporting mechanism, we established a dedicated complaint hotline for the public and DOJ employees to report concerns with DOJ's response to the COVID-19 pandemic.

Beyond this critical oversight work to ensure the safety of DOJ personnel and those under the care and supervision of the Department, the OIG has closely monitored the manner in which other DOJ components have operated, and the DOJ's planning to return employees to the work place. On July 13, 2020, the DOJ began Phase 1 of its return to work plan in the National Capital Region, which includes encouraging agencies to continue to "employ broad telework and scheduling flexibilities, where feasible with business operations." We are monitoring DOJ components' execution of Phase 1 in the National Capital Region, and we will do the same with the DOJ's return to work plans in other locations throughout the United States.

We will continue to evaluate the risks in DOJ operations and programs presented by the COVID-19 pandemic. If we determine the need to examine DOJ planning and guidance that may adversely affect the well-being of DOJ staff returning to their offices, my office will notify you of the initiation and scope of any such review.

Additionally, as Chair of the Council of the Inspectors General on Integrity and Efficiency (CIGIE), and as the Acting Chair of the Pandemic Response Accountability Committee (PRAC), I have participated in a series of discussions with Inspectors General throughout the IG community on pandemic-related issues that are impacting our respective agencies, our own personnel, and the government's ability to operate safely, and with the best interests of its employees in mind. We are identifying cross-agency issues and concerns, and will continue to update the Congress and the public on these efforts, as we did when we issued the PRAC's first report entitled, "Top Challenges Facing Federal Agencies: COVID-19 Emergency Relief and Response Efforts."¹

Thank you for your support of the DOJ OIG and the IG community. If you have further questions, please feel free to contact me, or Adam Miles, Counselor to the Inspector General, at 202-514-3435.

Sincerely,

Michael E. Horowitz
Inspector General

¹ <https://pandemic.oversight.gov/news/articles/prac-releases-report-top-challenges-facing-federal-agencies-related-covid-19>