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The Special Counsel

July 16, 2025

The President
The White House
Washington, D.C. 20500

Re: OSC File No. DI-24-001399

Dear Mr. President:

I am forwarding to you reports transmitted to the Office of Special Counsel (OSC) by the Department of Justice (DOJ) in response to the Special Counsel's referral of a disclosure of wrongdoing at the Bureau of Prisons (BOP), Federal Correctional Institution Three Rivers (FCI Three Rivers), Live Oak County, Texas.¹ OSC has reviewed the disclosure, agency report, supplemental report, and whistleblower comments, and, in accordance with 5 U.S.C. § 1213(e), I have determined that the reports contain the information required by statute and the findings appear reasonable. The following is a summary of those findings and comments.

The whistleblower, Case Manager [REDACTED], who consented to the release of his name, disclosed that BOP officials were failing to update Inmate Financial Responsibility Program (IFRP) assignments, load court-ordered financial obligations into BOP's SENTRY database, and collect those financial obligations from reincarcerated inmates, in violation of BOP Program Statement P5380.08, *Financial Responsibility Program, Inmate*, and 28 C.F.R. § 545.11. [REDACTED] alleged that BOP was failing to reset inmates' IFRP assignments to "unassigned" when they were reincarcerated. Therefore, prior IFRP assignments were retained in the SENTRY database, leading to confusion among BOP staff about whether inmates were already enrolled in the IFRP. [REDACTED] explained that BOP Case Managers and Correctional Counselors utilized rosters of "unassigned" inmates to determine which inmates needed to be enrolled in the IFRP. [REDACTED] identified 87 inmates at FCI Three Rivers with IFRP assignment dates that were prior to their incarceration dates. [REDACTED] alleged that these inmates collectively had \$11,910 in financial obligations that were not entered into SENTRY or being collected to pay courts and crime victims. [REDACTED] also identified nearly

¹ The whistleblower's allegations were referred to former Attorney General Merrick B. Garland for investigation pursuant to 5 U.S.C. § 1213(c) and (d). The BOP Office of Internal Affairs conducted the investigation. Associate Deputy Attorney General Bradley Weinsheimer was delegated authority to review and sign the agency report.

2,600 additional inmates across all BOP institutions whose IFRP assignment dates were prior to their incarceration dates.

While the agency investigation did not substantiate a violation of law, rule, or regulation or gross mismanagement, a targeted audit of the reincarcerated inmates identified by [REDACTED] confirmed that 432 inmates' financial obligations totaling \$2,456,641 were not timely entered into SENTRY and were not being collected to pay courts and crime victims. The agency then established financial repayment plans with those inmates and began collecting nearly \$2.5 million in court-ordered financial obligations.² The targeted audit also found that 63 inmates' financial obligations totaling \$69,960 were not timely entered into SENTRY and were no longer collectible due to time limitations on the collection of special assessments and court costs. The reports noted that the targeted audit identified a failure to follow IFRP procedures for less than one percent of BOP inmates.

Further, the investigation found that the IFRP notation "unassigned" occurs only once: at an inmate's initial entry into BOP custody. Accordingly, the reports concluded that BOP staff should not be relying solely on rosters of "unassigned" inmates to determine which inmates need to be enrolled in the IFRP. Rather, BOP staff should review the judgments and commitment orders pertaining to financial obligations for each inmate at the initial classification, which occurs within 28 days of the assignment of an inmate to a BOP institution. The reports explained that this process depends on staff appropriately reviewing and entering all pertinent information and supervisors appropriately monitoring staff.

In response to the investigation, informational meetings were held with institution staff on February 25 and 26, 2025, where the National Financial Responsibility Program Coordinator emphasized the need to review judgment and commitment orders at initial classification and program reviews, as well as the limitations of "unassigned" rosters. In addition, each BOP Regional Director directed their Financial Responsibility Program Coordinators to provide monthly reminders to staff about IFRP responsibilities, offer additional training on the topic, and when necessary, conduct regional oversight through monthly or bi-weekly check-ins on timely and accurate IFRP entries.

[REDACTED] disagreed with the reports' conclusion that reincarcerated inmates' IFRP assignments should not be reset to "unassigned" when they re-enter BOP custody. [REDACTED]

[REDACTED] explained that BOP Program Statement P5380.08 provides that, "[u]nassigned" is entered into SENTRY automatically when an inmate is committed to federal custody,"³ and provides no exception for reincarcerated inmates.

² Twenty-two inmates initially declined to establish financial repayment plans, were placed in "refused" status, and had their custody classifications updated to reflect poor programming/living skills.

³ BOP Program Statement P5380.08, Section 9, *SENTRY Requirements* (August 15, 2005), available at https://www.bop.gov/policy/progstat/5380_008.pdf.

I thank [REDACTED] for bringing this matter to OSC's attention. However, this disclosure raises new concerns about whether BOP staff are carefully ensuring that all inmates are appropriately enrolled in the IFRP and repaying their financial obligations. While it is unfortunate that the targeted audit identified nearly \$70,000 in court-ordered financial obligations that were never included in the IFRP and are no longer collectible, I am encouraged by the agency's prompt action to seek collection of nearly \$2.5 million for courts and crime victims by establishing financial repayment plans with the reincarcerated inmates [REDACTED] identified.

At the same time, to ensure sustained compliance, DOJ should consider conducting periodic audits of the IFRP to ensure that the proposed corrective action has been effective at ensuring that all inmates are repaying their financial obligations to courts and crime victims as required by law.

Given the significance of the disclosure, the risk taken by the whistleblower, and the tangible benefits to the federal government and to those entitled to court-ordered payments, OSC recommends that the DOJ recognize [REDACTED] contribution to improve the efficiency of the IFRP and consider issuing a monetary reward.⁴

As required by 5 U.S.C. § 1213(e)(3), OSC has sent a copy of this letter, the agency reports, and the whistleblower's comments to the Chairmen and Ranking Members of the Senate and House Committees on the Judiciary. OSC has also filed redacted copies of these documents and the letter referring the matter in OSC's public file, which is available at www.osc.gov. This matter is now closed.

Respectfully,



Charles N. Baldie
*Senior Counsel and Designee
of Acting Special Counsel Jamieson Greer*

Enclosures

⁴ Office of Special Counsel Policy on Recommending Monetary Awards for Whistleblowers, May 20, 2025, available at <https://osc.gov/News/Documents/OSC%20Monetary%20Policy%20re%20Whistleblowers%205.20.25.pdf>.