

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051

<http://oversight.house.gov>

May 10, 2017

Mr. Thomas R. Kane
Acting Director
Federal Bureau of Prisons
320 First Street N.W.
Washington, D.C. 20534

Dear Mr. Kane:

The Committee is investigating the manner in which the Bureau of Prisons (BOP), the Federal Bureau of Investigation (FBI) and the Department of Justice (DOJ) investigated allegations of egregious inmate misconduct at a BOP facility.

According to court documents and media reports, on December 3, 2013, Antwon Pitt was sentenced to twenty four months incarceration for committing a robbery in Washington, D.C.¹ While serving this sentence at a facility in Coleman, Florida – United States Penitentiary (USP) Coleman – Pitt repeatedly harassed and threatened staff that he would rape and kill them.²

According to the reports, nine referrals for prosecution were made to the FBI, and the FBI shared the findings of their investigation with the U.S. Attorney's Office for the Middle District of Florida.³ Pitt was never prosecuted for his actions against staff and he was ultimately released back to Washington, D.C. in the summer of 2015 after completing his sentence.⁴ It is unclear whether the BOP informed D.C. officials in charge of supervising Pitt after his release about his actions at the prison before he returned to the District.

After returning to the District of Columbia in the summer of 2015, Pitt was convicted of breaking into a woman's house and raping her in Southeast Washington, D.C.⁵

¹ Amy Brittain, *How an Inmate Who Repeatedly Threatened to Rape his Guards Ended Up On a Bus Back to D.C.*, WASH. POST, JUL. 29, 2016, https://www.washingtonpost.com/investigations/how-an-inmate-who-repeatedly-threatened-to-rape-his-guards-ended-up-on-a-bus-back-to-dc/2016/07/29/82e28f28-3a2f-11e6-8f7c-d4c723a2becb_story.html?tid=a_inl&utm_term=.77f99454ee07 ; *United States v. Antwon Pitt*, No. 2013 CF3 013293 (D.C. Super. Ct. 2013); records available at: <https://www.dccourts.gov/cco/maincase.jsf> [hereinafter Records, *United States v. Pitt*]

² Brittain, note 1, *supra*

³ *Id.*

⁴ *Id.*

⁵ *Id.*; see also Records, *United States v. Pitt*.

The referrals to investigate Antwon Pitt occurred during a time when USP Coleman faced a class action suit filed by current and former staff alleging that the BOP did not adequately safeguard them against sexual harassment and threats by inmates similar to the types of harassment Antwon Pitt was accused of committing.⁶ The class action suit was settled by the DOJ for \$20 million dollars, pending approval by a federal judge.⁷ As part of the settlement, the BOP agreed to make several policy changes, including improved tracking of complaints, psychological help for inmates with a history of sexual misconduct and an updated zero-tolerance policy for harassment by inmates.⁸

Despite these allegations of inmate sexual misconduct against staff, the BOP continued to award bonuses to top administrators at USP Coleman.⁹ Tamyra Jarvis, the warden at the time of the Antwon Pitt incidents, received performance awards totaling \$34,500 during the two years before her retirement in January 2017.¹⁰

To assist the Committee, provide the following documents and information as soon as possible, but no later than 5:00 p.m. on May 24, 2017:

1. All documents and communications referring or relating to allegations of misconduct committed by Antwon Pitt, federal register number 50323-007, including, but not limited to:
 - a. Incident reports;
 - b. Reports of Investigation and exhibits;
 - c. Interview transcripts;
 - d. Notes, documents, or memorandums generated by any disciplinary hearings;
 - e. Documents that identify disciplinary action or sanctions imposed; and
 - f. Documents that identify any psychological, psychiatric, or behavioral evaluations or treatment Pitt received while in the custody of the BOP.

⁶ Kevin Johnson, *Execs at Troubled Federal Prisons Received Bonuses Totaling in the Millions*, USA TODAY, Apr. 9, 2017, <https://www.usatoday.com/story/news/politics/2017/04/09/federal-prison-execs-got-thousands-bonuses-despite-ongoing-problems/100072938/>.

⁷ *Id.*

⁸ Jeff Deal, *\$20 Million to be Paid to Women Claiming Sexual Harassment, Cover-Up at Florida Prison*, WFTV9, available at <http://www.wftv.com/news/local/20-million-to-be-paid-to-women-claiming-sexual-harassment-cover-up-at-florida-prison/493884499>

⁹ Johnson, note 6, *supra*

¹⁰ *Id.*

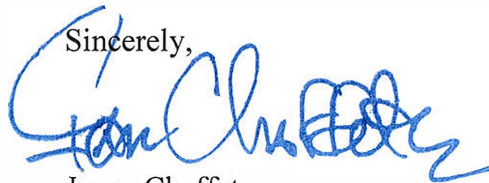
2. Any communications referring or relating to Antwon Pitt from the BOP to any employee or official at any District of Columbia or federal agency, including but not limited to, the United States Attorney's Office for the District of Columbia, the D.C. Metropolitan Police Department, D.C Superior Court, D.C. Federal Court, Court Services and Offender Supervision Agency, and the United States Parole Commission.
3. All documents and communications between the BOP and the FBI referring or relating to inmate harassment of BOP staff since fiscal year 2013.
4. For the period beginning with fiscal year 2013 to the present, please provide documents sufficient to identify each rating based award, time off award; recruitment, retention or relocation incentive; or referral incentive; including the amount of the award (if applicable); and the title and salary grade for each employee who received the award.
5. Any policy changes made to since fiscal year 2013 pertaining to harassment, threats or assault by inmates on staff.

When producing documents to the Committee, please deliver production sets to the Majority staff in Room 2157 of the Rayburn House Office Building and the Minority staff in Room 2471 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format. An attachment to this letter provides additional information about responding to the Committee's request. Please note that Committee Rule 16(b) requires counsel representing an individual or entity before the Committee or any of its subcommittees, whether in connection with a request, subpoena or testimony, promptly submit the attached notice of appearance to the Committee

The Committee on Oversight and Government Reform is the principal investigative committee in the U.S. House of Representatives. Pursuant to House Rule X, the committee has authority to investigate "any matter" at "any time."

Please have your staff contact the majority staff at (202) 225-5074 with any questions about this request. Thank you for your attention to this matter.

Sincerely,



Jason Chaffetz
Chairman

Enclosures

cc: The Honorable Elijah E. Cummings, Ranking Member

Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
 - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - (b) Document numbers in the load file should match document Bates numbers and TIF file names.
 - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH,
PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE,
SENTHOUR, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM,
CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE,
DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,
INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.
6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.
16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.
17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.

19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.
3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.

5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
7. The term “employee” means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.

**COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES
115TH CONGRESS**

NOTICE OF APPEARANCE OF COUNSEL

Counsel submitting: _____

Bar number: _____ **State/District of admission:** _____

Attorney for: _____

Address: _____

Telephone: (_____) _____ - _____

Pursuant to Rule 16 of the Committee Rules, notice is hereby given of the entry of the undersigned as counsel for _____ in (select one):

All matters before the Committee

The following matters (describe the scope of representation):

All further notice and copies of papers and other material relevant to this action should be directed to and served upon:

Attorney's name: _____

Attorney's email address: _____

Firm name (where applicable): _____

Complete Mailing Address: _____

I agree to notify the Committee within 1 business day of any change in representation.

Signature of Attorney

Date