

**Congress of the United States**  
**Washington, DC 20515**

October 19, 2018

The Honorable Michael E. Horowitz  
Inspector General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530-0001

Dear Mr. Horowitz:

We write to ask you to investigate whether there have been any potential violations of the Federal Bureau of Prisons' (BOP) "Standards of Employee Conduct" as they relate to former-Assistant Director of the Correctional Programs Division Frank Lara. Lara led an effort within BOP to reverse the previous administration's efforts to end the use of private prisons, and to instead increase the use of private contract facilities. He then left the agency to work at a major private prison company, GEO Group, as director of operations. This quick turnaround may violate post-employment restrictions on federal employees.

In August 2016, then-Deputy Attorney General Sally Yates issued a memorandum that outlined the Department of Justice's (DOJ) efforts to significantly reduce, and ultimately end, the use of privately-operated prisons.<sup>1</sup> Earlier that year, your office issued a report on the use of private prisons finding that "contract prisons incurred more safety and security incidents per capita than comparable BOP institutions."<sup>2</sup> These private prisons are operated by three private corporations: Corrections Corporation of America; GEO Group, Inc.; and Management and Training Corporation.

As part of the previous administration's effort, the DOJ in July 2016 "declined to renew a contract for approximately 1,200 beds," and amended "an existing contract solicitation to reduce an upcoming contract award from a maximum of 10,800 beds to a maximum of 3,600." These actions would have ended the need for three or more private prisons, reducing the total private prison population to less than 14,200 incarcerated people by May 2017.

In February 2017, the Trump Administration reversed course when Attorney General Jeff Sessions rescinded the Yates directive.<sup>3</sup> In January 2018, Lara issued a memo titled "Increasing Population Levels in Private Contract Facilities" to all BOP chief executive officers, which sought to re-designate federally incarcerated people to private prisons if they meet certain criteria.<sup>4</sup> This memo came after a conference call in which BOP facility administrators were instructed "to prepare for a 12 percent to 14 percent reduction in their authorized staffing levels."

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<sup>1</sup> <https://www.justice.gov/archives/opa/file/886311/download>

<sup>2</sup> <https://oig.justice.gov/reports/2016/e1606.pdf>

<sup>3</sup> [https://www.washingtonpost.com/world/national-security/justice-department-will-again-use-private-prisons/2017/02/23/da395d02-fa0e-11e6-be05-1a3817ac21a5\\_story.html?utm\\_term=.8ce11e044bd4](https://www.washingtonpost.com/world/national-security/justice-department-will-again-use-private-prisons/2017/02/23/da395d02-fa0e-11e6-be05-1a3817ac21a5_story.html?utm_term=.8ce11e044bd4)

<sup>4</sup> [https://admin.govexec.com/media/gbc/docs/pdfs\\_edit/012518privateprisons.pdf](https://admin.govexec.com/media/gbc/docs/pdfs_edit/012518privateprisons.pdf)

The reduction was a result of President Trump's fiscal year 2018 budget, which proposed a cut of about 6,000 BOP positions, more than 1,800 of which were correctional officers.

In August 2018, after Lara led the effort to identify federally incarcerated people for transfer to private prisons, he left his position to work for GEO Group, Inc., which received a \$147 million award from BOP in fiscal year 2018. And the one private prison specifically mentioned in Lara's January 2018 memo—Rivers Correctional Institution in Winton, North Carolina—is owned and operated by GEO Group. GEO Group, Inc. also reported spending approximately \$3.3 million on government relations professionals for direct lobbying in 2016.

Lara's new role at GEO Group, Inc. unquestionably raises significant conflict of interest concerns. However, given the lack of transparency surrounding Lara's duties as the Director of Operations at GEO Group, Inc., it is impossible to determine whether this conflict of interest may violate BOP's Standards of Employee Conduct for post-employment activity without further inquiry. These standards include a two-year prohibition on any former BOP employee "acting as a representative on a particular matter for which the employee had official responsibility," which applies "if the former employee knew, or reasonably should have known, that the matter was pending under his/her official responsibility during his/her last year of Government service."

Though this may just be another disturbing incident of the revolving door between former BOP officials and private prison corporations, Lara's work on expanding BOP's use of private prisons, including facilities owned and operated by his new employer, raises unique questions. We ask that you investigate this matter, and we look forward to your prompt response.

Sincerely,



BRIAN SCHATZ  
United States Senator

  
JERROLD NADLER  
Member of Congress

KIRSTEN GILLIBRAND  
United States Senator

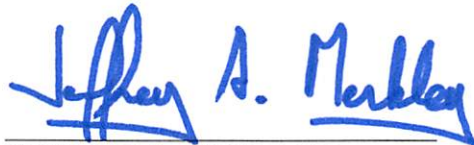
  
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United States Senator

  
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United States Senator



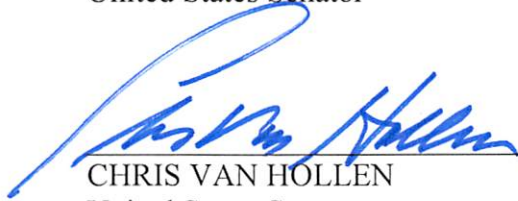
CORY A. BOOKER  
United States Senator



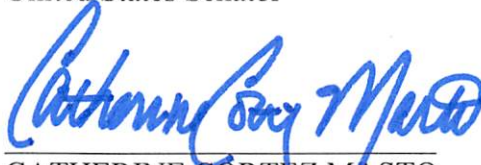
TAMMY DUCKWORTH  
United States Senator



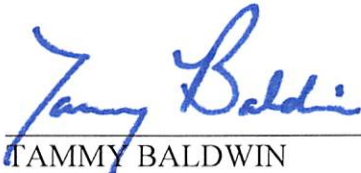
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United States Senator



ROBERT P. CASEY, JR.  
United States Senator



BENJAMIN L. CARDIN  
United States Senator



RICHARD J. DURBIN  
United States Senator

cc: The Honorable J. Rod Rosenstein  
Deputy Attorney General  
U.S. Department of Justice

Hugh J. Hurwitz  
Acting Director  
Federal Bureau of Prisons