

MAY 94

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISON

1. Grievant(s) All CPL-33 Bargaining Unit	2. Duty Station TO include but not limited to: National
3. Representative of Grievant(s) A.F.G.E., Council of Prison Locals #33	4. Informal resolution attempted with (name Person) Harley Lappin, Whitney LeBlanc, Cristina Griffith

5. Federal Prison System Directive, Executive Order, or Statute violated:

Master Agreement: Preamble, Articles 1,2,3,4,6,7,27, & 36. 5 U.S.C. 7114, and 7116. 5 C.F.R. safety of staff. but not limited to.

6. In what way were each of the above violated? Be specific.

On June 20, 2008, Correctional Officer Jose Rivera was murdered by two inmates in USP-Atwater, Ca. in the performance of his duty. The Agency has failed to maintain a safe and secure work environment bureau-wide in accordance with the parties Collective Bargaining Agreement, henceforth referenced as the Master Agreement, and all other applicable government wide laws, rules, and regulations.

The Federal Bureau of Prisons has and continues to engage in a course of conduct that is detrimental to the safety and health of its employees by failing to reduce the inherent hazards to the lowest possible level as required. Specifically, the Agency does not lock down the inmate population consistently or for appropriate periods of time after incidents of inmate disturbances and/or assaults on staff and inmates, resulting in a more aggressive inmate population and jeopardizing staff safety. The Agency has stated that they consider these isolated incidents and they do not want to punish uninvolved inmates. Incident reports involving threats against staff are not aggressively pursued and processed.

The Agency will not provide and has denied requests to allow employees to wear their own stab-resistant vests, carry pepper spray or other gas, or carry batons in the performance of their duties to protect themselves from inmate attacks. The Agency's inaction has resulted in an increase in assaults on staff and inmates in recent months, including the murder of Correctional Officer Jose Rivera on June 20, 2008 at USP Atwater, California. A more proactive management approach to such inmate behavior is necessary to protect employees from further harm. The Union met with the Agency in a formal meeting with the Director and other Bureau Executive Staff attended. They stated that additional equipment was warranted to prevent future loss of life and to provide employee's the ability to protect themselves when being attacked by hostile and unruly inmates. This necessary safety equipment that would only be used to prevent the loss of their life, the lives of other staff, and the lives of inmates. The Agency has refused to make any immediate changes.

The Agency has decreased staffing levels at every institution which has raised the inherent safety hazards of all staff working in Federal Correctional Facilities Nationwide. This has directly decreased the numbers of staff assigned on daily Correctional Rosters and reduced the ability of staff to respond to serious incidents to include but not limited to the murders of staff. This reduction in force is not limited to Correctional Staff in other department in the Correctional Department who are also first responders to emergency situation in the Correctional Environment. This also adds to an increase of duties on a reduced workforce complement, reduces effective communication between staff, and inmate. Which also decreases our ability to supervise inmates and control contraband coming into the facilities. These examples show's how difficult it is for staff to carry out the mission of the Bureau of Prisons. There have been over 100 assaults on staff by inmates this year alone. Prison populations increase yearly, with no increase to institutional compliments. There have been over ten attempts to murder staff in the last year alone. Director Lappin has refused to take any steps to increase staffing levels throughout the Federal Bureau of Prisons. Director Lappin testified in front of a Congressional Appropriations Subcommittee on April 08, 2008, that and he agreed that the type of violence being committed by inmates today was much more violent than in the past. Director Lappin also stated he believed he could take more risk in staffing prisons in security levels other than high security penitentiaries. Which has a direct impact on safety of Federal Bureau of Prisons staff as a whole. The Agency has refused to provide staff the necessary protective equipment which will lower the inherent risk factor and may prevent the loss of life of any employee or person charged with the care and incarceration of inmates inside any facility in the Bureau of Prisons.



The Agency has repeatedly denied that the mission critical roster that was unilaterally implemented by the Executive Staff, is the direct caused of the inmate violence in the BOP. The assault and homicide rate on staff and other inmates has continued to rise annually since implementation of Mission Critical. We believe this is the direct cause and effect of the thousands of positions that were eliminated by BOP nationwide and the results of management's inability to keep the inmate to staff ratio at safe levels. The unilateralism and agency's continued efforts to bypassing the national Council since Mission critical all have contributed to this – a decreased daily Correctional Rosters and reduced effort and ability for our staff to respond to serious incidents in the workplace to include but not limited to the murders of staff and other inmates.

7. Date(s) of violation(s)

Ongoing violations beginning April 14, 2008 and ongoing

8. Request remedy (i.e., what you want done)

- *Immediate compliance with the Master Agreement, law, rule, and regulation.
- *Negotiations over any changes in policies, practices, or procedures involving safety methods.
- *Reduce the inherent hazards to the lowest possible level.
- *Aggressive processing to the maximum extent of incident reports involving insolence toward and/or assaults on staff. Immediate purchase of stab-resistant vests for all staff who want to wear them, as well as pepper spray, batons, and other items to defend against inmate attacks.
- *That a posting be ordered by the Arbitrator to show the Agency's negligence regarding the failure to decrease inherent hazards associated with lack of staffing, lack of supervision, lack of communication on all ordered remedy's.
- *That the Agency be ordered to comply with the Master Agreement in regards to jointly developing a strategy with the Union which contributes to the effective operations of the Bureau of Prisons which facilitates improved employee performance and efficiency.
- *Any other action deemed necessary and appropriate by the arbitrator.

9. Person with whom filed Cristina Griffith	10. Title Chief, LMR Branch
11. Signature of recipient	12. Date signed
I hereby certify that efforts at informal resolution have been unsuccessful.	
13. Signature of Grievant(s) 	14. Signature of Representative 

Record Copy - Agency; Copy - Union Local; Copy - Council of Prison Locals; Copy - Grievant
(This form may be replicated via WP)

This form replaces BP-176(37) Dated October 1994.