

Congress of the United States

Washington, DC 20515

March 21, 2025

The Honorable Pamela J. Bondi
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Kathleen Toomey
Associate Deputy Director
Federal Bureau of Prisons
320 First Street, NW
Washington, DC 20534

Dear Attorney General Bondi and Associate Deputy Director Toomey:

We write to urge you to reverse the Bureau of Prison's recent decision to reduce or eliminate retention incentives provided to several federal corrections facilities across the United States. Among those facilities seeing their retention incentive cut is Federal Correctional Institution Berlin (FCI Berlin), which has faced persistent and chronic staffing shortages that continue to threaten the facility's operational capacity and security.

FCI Berlin has had a 25 percent retention incentive authorized since 2023. As the nationwide staffing crisis makes it difficult to recruit new officers, these retention incentives have been instrumental in ensuring that the facility is able to retain and adequately pay existing staff, keeping the facility operational. However, even despite this critical assistance, FCI Berlin's custody department is currently staffed at only 64 percent, with far reaching consequences as stretched-thin correctional officers must take on unreasonable amounts of overtime to help maintain the daily operations of the facility. While your agency cited the cost of retention bonuses as a reason for their removal, there is no doubt that overtime also carries a heavy price tag: in fiscal year 2024, it cost the Bureau nearly \$440 million.

In addition to a shortage of correctional officers, FCI Berlin's Health Services department is staffed at only 75 percent. A cut to retention incentives will not only exacerbate these staffing challenges but will make it even more difficult for the dedicated corrections officers, medical professionals and support staff employed at the facility to provide critical services to those incarcerated there.

Your Bureau has repeatedly acknowledged the impact that retention bonuses can have on mitigating staffing challenges. On February 26th, Associate Deputy Director Toomey testified before the House Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies that the acute staffing shortages experienced across the Bureau pose "safety risks, as well as increased violence and crime inside prisons." Notably, Deputy Director Toomey went on to highlight the effectiveness of a 35 percent recruitment incentive offered at Metropolitan Detention Center Brooklyn beginning in February 2024 that increased staffing at that institution, resulting in fewer lockdowns and a decrease in use-of-force incidents.

Despite FCI Berlin's impending pay cut, we have also been made aware that they are one of five federal facilities under contract to receive and hold Immigration and Customs Enforcement (ICE) detainees. In a memo outlining these contracts, the Department of Homeland Security and the Bureau acknowledges that FCI Berlin requires "a substantial amount of preparation and resources... before [the facility] will be ready to accept ICE detainees, including but not limited to additional funding for staffing, food, utilities, clothing, training and other necessary items." The Bureau's recognition of the workforce challenges FCI Berlin faces, paired with a simultaneous reduction in retention incentives and direction to pursue this new mission, demonstrates not only a lack of forward thinking, but also a total disregard for the correctional officers and support staff who dedicate their lives to the safety of this facility.

As members of the New Hampshire Congressional Delegation, we have long worked to respond to persistent staffing issues at FCI Berlin in order to improve the safety and security of the facility. There is no doubt that the abrupt reduction in retention benefits will have real financial impacts on those who bravely serve FCI Berlin and its population. We urge you to find a solution to provide the highly professional and dedicated staff at FCI Berlin with the compensation they deserve for their work and, at a minimum, allow this facility and others facing chronic understaffing to continue to receive their full retention incentives as originally authorized.

Now more than ever, we remain committed to working with you to ensure FCI Berlin has the resources and support it requires to continue its integral work in our state.

Sincerely,



Jeanne Shaheen
United States Senator



Margaret Wood Hassan
United States Senator



Maggie Goodlander
Member of Congress