

U.S. Department of Justice
Federal Bureau of Prisons
Washington, DC

**Office of Internal Affairs
Report for Fiscal Year 2017**



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Executive Summary of Findings

- There was a 14.4 percent decrease in the number of cases opened in Fiscal Year 2017 as compared with Fiscal Year 2016. The rate of reported misconduct among Bureau of Prisons' employees decreased 10.8 percent from Fiscal Year 2016.
- Cases classified as Classification 1 offenses showed a decrease of 6.5 percent; cases classified as Classification 2 offenses showed a decrease of 19.8 percent; and cases classified as Classification 3 offenses showed a decrease of 14.7 percent.
- The most frequently reported type of misconduct in Fiscal Year 2017 was On-Duty Misconduct. Unprofessional Conduct and Failure to Follow Policy placed second and third, respectively.
- The categories of reported misconduct showing an increase from Fiscal Year 2016 are as follows: Personnel Prohibitions, Inappropriate Relationship with Inmates, and Unauthorized Release of Information. The largest decreases occurred in the categories of Discrimination, Sexual Abuse of Inmates, and Fiscal Improprieties.
- During Fiscal Year 2017, 9 cases involved Patriot Act violations. As of October 13, 2017, 9 cases remained open pending investigation.
- The most frequently sustained categories of misconduct among Bureau of Prisons' employees, with a sustained decision as of October 13, 2017, were Personnel Prohibitions and Failure to Follow Policy.
- As of October 13, 2017, the most frequently sustained category of misconduct among both male and female Bureau of Prisons' employees for whom a decision had been made was Personnel Prohibitions. For those Bureau of Prisons' employees with a sustained decision as of October 13, 2017, the rate was highest among Food Services staff.
- As of October 13, 2017, the most frequently sustained category of misconduct for Residential Reentry Center employees was Inappropriate Relationships with Inmates. The most frequently sustained category of misconduct for staff in privatized facilities was Failure to Follow Policy.
- As of October 13, 2017, there was 1 sustained allegation of Physical Abuse reported during Fiscal Year 2017. The inmate involved received minor/slight injury from the incident. The subject involved was not criminally prosecuted.
- As of October 13, 2017, 429 allegations of Introduction of Contraband were reported. Twenty-three (23) allegations were sustained. There were 22 individuals involved in the sustained allegations of Introduction of Contraband.

Executive Summary of Findings

- During Fiscal Year 2017, 419 allegations of Sexual Abuse were either reported to the Office of Internal Affairs or detected during the course of an investigation. As of October 1, 2017, 9 allegations of Sexual Abuse reported during Fiscal Year 2017 were sustained.

Reporting Incidents of Misconduct

Staff Reporting

In accordance with the Bureau's Standards of Employee Conduct, staff who become aware of any violation or alleged violation of the Standards of Employee Conduct must report said allegations/violations to the Chief Executive Officer (CEO), the Office of Internal Affairs (OIA), or the Department of Justice (DOJ), Office of the Inspector General (OIG).

Additionally, the OIG has established a toll-free hotline (1-800-869-4499), which is available to report DOJ employees' misconduct, to include potential areas of fraud, waste, or abuse in government. Bureau of Prisons' staff are encouraged to use the OIG hotline if they wish to remain anonymous, and/or perceive fear of retaliation/reprisal.

To report violations directly to the OIA Central Office, please submit a written complaint to:

Federal Bureau of Prisons
Office of Internal Affairs
320 First Street, NW, Room 600
Washington, DC 20534

Written complaints may also be sent via fax to (202) 514-8625.

CEO Reporting

Upon becoming aware of any possible violation of the Standards of Employee Conduct (either through a report from staff or personal knowledge), the CEO at the institution, Regional Office or Central Office Division, or his/her designee, is to report the violation to the OIA **within 24 hours. Details and definitions are as follows:**

- Classification 1 cases are defined as allegations which, if substantiated, would constitute a prosecutable offense (other than offenses such as misdemeanor arrests).
- Classification 2 cases are defined as allegations which involve violations of rules, regulations, or law that, if substantiated, would not likely result in criminal prosecution, but constitute serious misconduct.
- Classification 3 cases are defined as allegations of misconduct which ordinarily have less impact on institutional operations.

Note: Classification 1 and 2 cases must be reported to the OIA immediately. As a particular investigation unfolds, the severity of misconduct may increase or decrease, thereby moving it into another classification.

Reporting Incidents of Misconduct

Again, written notification to the OIA will be made **within 24 hours** (not to include weekends and holidays) from the time management official(s) learn of the matter. When there is suspected criminal conduct, the CEO may refer the matter *simultaneously* to the OIA and the local OIG or Federal Bureau of Investigation (FBI) office.

Submitting Initial Information

A Referral of Incident form (BP-A715.012) is used to organize the information to be provided (for contract employees use form BP-A774.012). Be sure to include the following information:

- The identity of the complainant(s), subject(s), witness(s), and victim(s);
- The details of the allegation(s); and
- **All corroborating evidence.**

The subject of the allegation or complaint must not be questioned or interviewed prior to receiving clearance from the OIG and the OIA's approval. This is to ensure against procedural errors, as well as to safeguard the rights of the subject(s).

Supporting Documentation

A Referral of Incident form (BP-A715.012) and all supporting documentation (e.g. victim or witness statements, medical reports, photos, BP-583/586, and related memoranda), must be sent to the OIA immediately.

If an inmate alleges physical or sexual abuse by a staff member, and has not received a medical examination, the CEO **must** arrange an immediate, confidential medical examination and forward a copy of the results to the OIA as soon as possible. PREA related protocols must be followed, accordingly.

Contact the OIA immediately if there is any question as to the classification of the misconduct. It is important to note that case classifications are many times based upon limited information.

All signed Referral of Incident forms (BP-S715.012 or BP-S774.012), in tandem with appropriate predicated information, should be scanned as a single file (via .pdf, Adobe Acrobat) and sent directly to the OIA via e-mail: OIA BOPNet GroupWise mailbox, "BOP-DIR/InternalAffairs-Referrals~." The signed Referral of Incident form should appear on the top of the file with all supporting documentation underneath.

Review of Local Staff Misconduct Investigations

The CEO must receive OIA approval prior to initiating a local investigation. Investigator must forward the complete investigative packet for all misconduct investigations directly to the OIA for approval **prior** to forwarding it to the CEO for action. These procedures apply to **all** local staff misconduct investigations in which BOP employees are the subject (Classification 1, 2, and 3 allegations), regardless of whether any misconduct will be sustained.

Where to Send Local Investigative Packets

Local investigative packets should be sent via e-mail to the OIA GroupWise mailbox: "BOP-DIR/Internal Affairs-Local Investigative Packets~" (not to be confused with OIA's main resource mailbox, "BOP-DIR/Internal Affairs~"). The subject of your e-mail message should include the OIA case number and the facility mnemonic code (e.g., 2015-00001-BUX).

To ensure local investigative packets are reviewed by the OIA in a timely manner, packets should **not** be sent to either any individual OIA staff member or directly to any OIA field office.

Format for Local Investigative Packets and What to Send

Local investigative packets should include the investigative report (signed by the investigator) and all supporting documentation (e.g. affidavits, memorandums, video files, etc.). Note: The Summary of Investigation for Classification 3 Cases form (BP-A716.012) is no longer applicable and should not be used.

Documents must be scanned as .pdf format (Adobe Acrobat), and saved as follows:

Investigative Report (OIA Case Number)
Affidavits and MOIs (OIA Case Number)
Supporting Documentation (OIA Case Number)

Do not send documents in other formats (e.g., .tif files, .docx files).

Affidavit files should include the "Warning and Assurance to Employee Required to Provide Information" (BP-A194.012), if applicable, as well as the signed Oath for each individual. The investigative packet should not include national policy or any documents not specifically related to the investigation (e.g., staff rosters, inmate SENTRY information, etc.).

Review of Local Staff Misconduct Investigations

Time Guidelines

Local investigators must complete investigative packets and forward to the OIA within **120 calendar days** of the date a local investigation was authorized by the OIA.

Once received, the OIA will complete their review of the local investigative packet within 10 business days. The local investigator will be advised as to whether the investigative packet is approved, or if additional information is required. This information will be sent via e-mail to the local investigator with a copy to the CEO. If additional information is required, the local investigator should forward the additional information to the OIA within 30 calendar days, who will again notify the local investigator and CEO if the packet has been approved. Once approved, the local investigator should forward the investigative packet to the CEO for appropriate action with **all** requisite “Review of Local Investigative Packet” forms attached.

No disciplinary proceedings or other notifications to subject(s) should occur prior to the OIA's approval of the investigative packet.

Reports from the OIA

The OIA sends the CEO a monthly report of all local staff misconduct investigations, which have extended past established deadlines. SIAs/SISs should continue to work with the monitoring Agent assigned to their facility on an ongoing and recurring basis. SIA/SIS should provide updates on any outstanding matters. The Agent will provide guidance, as needed.

Complaints

Matters designated by the OIA as complaints are returned to the CEO via memorandum. Such complaints will be categorized as follows: Complaint for Information, Complaint for Disposition, and Complaint for Investigation.

A **Complaint for Information** will be sent via memorandum in the event the OIA has reviewed a referred matter, and determined the allegation(s) do not rise to a level of staff misconduct.

A **Complaint for Disposition** will be sent via memorandum for CEO review. A summary of the CEO's findings is not required by the OIA. Should the CEO determine, however, that any misconduct might have occurred, he/she will make an appropriate referral back to the OIA in accordance with policy. These complaints are generally received from external sources (e.g. deferred by OIG) for OIA review.

Lastly, a **Complaint for Investigation** will be sent via memorandum for additional fact-finding and inquiry. The CEO response should be inclusive of the following: statements from relevant

Review of Local Staff Misconduct Investigations

parties involved; any supporting documentation affiliated with complaint findings; and CEO recommendations in a signed memorandum from the CEO. In the event the CEO believes misconduct may have occurred in the course of reviewing this matter, the CEO will submit a referral referencing the OIA complaint number provided. Documentation for investigative complaints should be sent via e-mail to the OIA GroupWise mailbox: "BOP-DIR/Internal Affairs-Local Investigative Packets~".

Reported Misconduct

All allegations of misconduct received by the OIA, are reviewed and classified. Allegations classified as Category 1 or 2 matters are immediately referred to the OIG for review and disposition. The OIG determines which matters they will accept for investigation and possible criminal prosecution and defers other matters to the OIA for investigation. The OIA coordinates with the OIG and/or the FBI when investigations may lead to criminal prosecution or when there are allegations involving the abuse of an individual's Constitutional rights under Color of Law.

NOTES

Due to the dynamic nature of the OIA database, figures in this report are subject to change. During the course of an investigation, evidence may indicate circumstances other than those initially reported, causing data to be added, deleted, and/or changed. There is no nexus between reported and sustained allegations.

The number of subjects exceeds the number of cases throughout this report as some cases have multiple subjects. Also, some subjects may be charged with multiple types of misconduct in a single case, causing the number of allegations to be higher. Finally, individual employees may be subjects in more than one case.

Allegations referred to as "Inmate Related" included some type of inmate involvement, while allegations referred to as "Non - Inmate Related" occurred in the workplace but did not include inmate involvement. For a complete list of the types of misconduct included in each category, please reference the Appendices section of this report.

** Unless otherwise noted, the figures for this report (Fiscal Year 2017) were generated on October 13, 2017.

For those matters deferred for investigation, the OIA determines, after consulting with relevant BOP management officials, whether an on-site investigation is warranted or if the matter can be investigated at the local institution level. Allegations categorized as Classification 3 offenses are referred to the OIG via computer extract on a monthly basis.

During Fiscal Year 2017, the OIA opened 4,392 cases involving 5,371 BOP employees, 33 contract employees working in BOP facilities, 62 Public Health Service (PHS) employees working in BOP facilities, 5 volunteers working in BOP facilities, 135 contract/residential reentry center employees, 3 drug treatment contractors, 0 employee working at an Intergovernmental Agreement (IGA) facility, and 133 employees working in privatized facilities.

These 4,392 cases represent a modest 14.4 percent decrease from the 5,128 cases opened during Fiscal Year 2016. The rate of reported misconduct among BOP employees decreased 10.8 percent from Fiscal Year 2016.

The 4,392 cases opened during Fiscal Year 2017 were classified as follows:

Classification 1	1,034
Classification 2	1,185
Classification 3	2,170

Reported Misconduct

Cases classified as Classification 1 offenses showed an increase of 5.3 percent, while cases classified as Classification 2 offenses showed an increase of 10.8 percent. Cases classified as Classification 3 offenses showed a decrease of 9.9 percent.

Types of Misconduct	Number of Reported Allegations				% Change from 2016
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL	
Unprofessional Conduct	628	625		1253	-5.9
On-Duty Misconduct	590	1031		1621	-1.3
Personnel Prohibitions		821	41	862	2.5
Failure to Follow Policy	615	544		1,159	-6.7
Inattention to Duty	356	447		803	-6.1
Abuse of Inmates	799			799	-11.6
Fiscal Improprieties	113	392		505	-20.2
Off-Duty Misconduct			427	427	-15.3
Breach of Security	185	237		422	-7.3
Inappropriate Relationships With Inmates	609			609	7.2
Introduction of Contraband	288	141		429	-1.4
Sexual Abuse of Inmates	420			420	-23.5
Investigative Violations		106		106	-15.2
Unauthorized Release of Information	107	47		154	13.2
Bribery	114	3		117	-7.9
Discrimination	7	3		10	-52.4

Table 1 provides a breakdown of those categories of misconduct reported during Fiscal Year 2017. The categories of reported misconduct showing an increase from Fiscal Year 2016 are as follows: Personnel Prohibitions (2.5 percent), Inappropriate Relationship with Inmates (7.2 percent), and Unauthorized Release of Information (13.2 percent). The largest decreases occurred in the categories of Discrimination (-52.4 percent), Sexual Abuse of Inmates (-23.5 percent), and Fiscal Improprieties (-20.2 percent).

Reported Misconduct

USA Patriot Act

In the aftermath of September 11, 2001, Congress passed the USA PATRIOT Act, signed into law by President George W. Bush on October 26, 2001. One of the provisions of the Patriot Act addressed reporting any potential abuse(s) of individual civil rights and liberties by DOJ employees involving violence, discrimination, or threats. Accordingly, the Patriot Act mandated that the OIG widely advertise receiving allegations and any associated investigations of violence, discrimination, or threats on the part of a DOJ employee; particularly when such cases are directed toward individuals or groups associated with the general public's perception of "extremist ideology" pertaining to an individual's religious beliefs, place of birth, and/or appearance. Patriot Act allegations typically reported to the OIA involve alleged mistreatment or unprofessional behavior of BOP staff toward/around certain inmates, their visitors or members of the public.

Due to the sensitivity of these allegations, they are automatically classified as Classification 2 or higher offenses; they should be forwarded immediately to the OIA. All Patriot Act violation allegations are referred to a Special Operations Unit at OIG Headquarters, devoted to reviewing and investigating such alleged misconduct.

Of the 4,392 cases opened during Fiscal Year 2017, 9 cases involved Patriot Act violations. As of October 13, 2017, 9 cases remained open pending investigation.

Of the 5,128 cases opened during Fiscal Year 2016, 14 cases involved Patriot Act violations. As of November 1, 2017, 5 cases remained open pending investigation, and 9 cases were closed. No allegations were sustained.

Closed/Sustained Misconduct

NOTES

All figures in this section relate to cases, which were opened during Fiscal Year 2017 and were closed as of October 13, 2017. Figures are subject to change as additional cases are closed, and only relate to cases that were sustained and not sustained.

Please refer to the appendices section of this report for the types of misconduct sustained against BOP employees in cases opened during Fiscal Year 2017.

As of October 13, 2017, a decision had been made on 1,258 (28.6 percent) of the 4,392 cases opened during Fiscal Year 2017. The remaining 3,134 cases (71.4 percent) were still open and being investigated. Of the 1,258 cases closed, the majority, 1,094 (87.0 percent), were investigated at the institution level (“local investigation”) with authorization and monitoring provided by the OIA. Of the 1,258 cases closed, 129 were OIA on-site investigations (10.3 percent), and 32 (2.5 percent) were investigated by the OIG.

Of the 1,258 cases closed, 342 (27.2 percent) were sustained. Misconduct was sustained against 305 BOP employees, 7 contract employees working in BOP facilities, 6 PHS employees working in BOP facilities, 16

contract/residential reentry center employees, 1 Drug Treatment Contractors, 43 employees working in privatized facilities, and 1 volunteer.

Bureau of Prisons’ Employees (BOP)

Out of 37,273 active-duty BOP employees, there were 5,371 BOP employees identified as subjects of alleged misconduct in cases opened during Fiscal Year 2017. As of October 13, 2017, a decision had been made for 25.1 percent of those employees. Of the 25.1 percent (or 1,346 employees), 22.7 percent (305) had a sustained decision (0.82 percent of total BOP employees). Of the 5,371 BOP employees for whom a case was opened during Fiscal Year 2017, as of November 1, 2017, 315 were unidentified.

Table 2 (on the following page) reflects the categories of misconduct sustained against BOP employees with a decision as of October 13, 2017. The most frequently sustained categories of misconduct were Personnel Prohibitions and Failure to Follow Policy.

Closed/Sustained Misconduct

Table 2: Types of Sustained Misconduct for BOP Employees - FY 2017 With 28.6 Percent Closed				
Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Personnel Prohibitions		82	1	83
Unprofessional Conduct	11	22		33
Inattention to Duty	26	19		45
On-Duty Misconduct	13	54		67
Fiscal Improprieties	3	34		37
Failure to Follow Policy	29	33		62
Off-Duty Misconduct			20	20
Breach of Security	13	14		27
Introduction of Contraband	3	14		17
Inappropriate Relationships With Inmates	28			28
Investigative Violations		5		5
Abuse of Inmates	1			1
Sexual Abuse of Inmates	3			3
Unauthorized Release of Information	5	0		5
Discrimination	0	0		0
Bribery	1	0		1

Disciplinary Process

Once a subject is investigated and the allegations are sustained, the type of disciplinary action taken is left to the deciding official, generally the CEO. Since each case is unique, with varying degrees of seriousness attached to the allegation of misconduct, disciplinary actions may vary from case-to-case. Also, a subject may be charged with multiple types of misconduct in any particular incident(s). In any event, “The Douglas Factors” must be considered when deciding the appropriate penalty to impose on employees for misconduct.

Closed/Sustained Misconduct

The Douglas Factors are an accumulation of historic Civil Services practices and procedures in cases involving civil servant misconduct. This was created under the Merit Systems Protection Board (MSPB) in the seminal *Douglas v. Veterans Administration* (1981) case. From this case, the MSPB announced a non-exhaustive list of twelve factors which the BOP, like all federal agencies, must consider in determining appropriate penalties to impose in employee misconduct. The specific Douglas Factors are as follows:

- The nature and seriousness of the offense;
- The employee's job level and type of employment;
- The employee's disciplinary record;
- The employee's past work record, including length of service and duty performance;
- The effect of the offense on the employee's ability to perform and its effect on the supervisor's confidence in such ability;
- The consistency of the penalty with penalties imposed upon others for like or similar misconduct;
- The consistency of the penalty with the BOP's table of penalties (Program Statement 3420.11, Standards of Employee Conduct);
- The notoriety of the offense or its impact on the BOP's reputation;
- The clarity with which the employee was on notice of any rules violated or warned about the conduct in question;
- The employee's potential for rehabilitation;
- Any and all mitigating circumstances surrounding the offense (e.g., job stress/tension, personality problems, mental impairment, harassment or bad faith, malice or provocation on the part of others involved);
- The adequacy and effectiveness of alternative sanctions.

The CEO is required to consider only those Douglas Factors, which are relevant to any individual and need not consider all the Douglas Factors in every case. Also, some the Douglas Factors may suggest one type of penalty, while others suggest another penalty. Again, it is incumbent upon the CEO to choose the appropriate penalty within these guidelines.

Closed/Sustained Misconduct

As of October 13, 2017, the following actions were taken against (or by) those BOP employees with a sustained decision (FY17):

Written Reprimand.....	101
Resignation	55
Suspension	72
No Action.....	35
Retirement.....	6
Termination.....	19
Oral Reprimand.....	0
Combined With Action in another OIA Matter	14
Demotion.....	2
Other	1

The specific type of misconduct most frequently sustained against those individuals for whom no disciplinary action was taken was Personnel Prohibitions (9.6 percent of all sustained misconduct for staff in this group).

Gender

There were 3,850 male BOP employees identified as misconduct subjects in Fiscal Year 2017. As of November 1, 2017, a decision had been made for 25.5 percent of those 3,850 male employees. Of the 25.5 percent (or 982 male employees), 22.6 percent (222) had a sustained decision (0.82 percent of total male BOP staff).

There were 1,209 female BOP employees identified as misconduct subjects in Fiscal Year 2017. As of November 1, 2017, a decision had been made for 24.8 percent of those 1,209 female employees. Of the 24.8 percent (or 300 female employees), 27.3 percent (82) had a sustained decision (0.81 percent of total female BOP staff).

Tables 3 and 4 (on the following pages) reflect the categories of sustained allegations for male and female BOP employees with a sustained decision as of October 13, 2017. The most frequently sustained category of misconduct among male BOP employees was Personnel Prohibitions. The most frequently sustained category of misconduct among female BOP employees was Personnel Prohibitions.

Closed/Sustained Misconduct

Table 3: Types of Sustained Misconduct for Male BOP Employees - Fiscal Year 2017 With 28.6 Percent Closed				
Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Personnel Prohibitions		60	1	61
Unprofessional Conduct	10	15		25
Fiscal Improprieties	2	19		21
On-Duty Misconduct	7	46		53
Inattention to Duty	20	14		34
Off-Duty Misconduct			18	18
Failure to Follow Policy	20	26		46
Introduction of Contraband	1	8		9
Breach of Security	8	10		18
Inappropriate Relationships With Inmates	13			13
Abuse of Inmates	1			1
Investigative Violations		4		4
Unauthorized Release of Information	3	0		3
Sexual Abuse of Inmates	1			1
Discrimination	0	0		0
Bribery	1	0		1

Those categories of misconduct highlighted in red were sustained with greater frequency among male BOP staff than among female BOP staff.

Closed/Sustained Misconduct

Table 4: Types of Sustained Misconduct for Female BOP Employees - Fiscal Year 2017 With 28.6 Percent Closed				
Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Personnel Prohibitions		21	0	21
Unprofessional Conduct	1	7		8
Inattention to Duty	6	5		11
Failure to Follow Policy	1	1		2
On-Duty Misconduct	14	14		28
Fiscal Improprieties	1	15		16
Inappropriate Relationships With Inmates	15			15
Breach of Security	5	4		9
Investigative Violations		1		1
Off-Duty Misconduct			2	2
Introduction of Contraband	2	6		8
Sexual Abuse of Inmates	2			2
Abuse of Inmates	0			0
Discrimination	0	0		0
Bribery	0	0		0
Unauthorized Release of Information	2	0		2

Those categories of misconduct highlighted in red were sustained with greater frequency among female BOP staff than among male BOP staff.

Closed/Sustained Misconduct

Job Discipline

As of October 13, 2017, 305 BOP employees identified as misconduct subjects during Fiscal Year 2017 had a sustained decision. Of the 305 BOP employees with a sustained decision as of October 13, 2017, 267 were bargaining unit employees and 37 were non-bargaining unit employees.

Table 5 reflects the rate of misconduct among the various job disciplines.

Table 5: Discipline of BOP Employees With Sustained Misconduct - FY 2017 With 28.6 Percent Closed			
Discipline	Total Employees	Number of Employees With Sustained Misconduct	Rate Per 100 Total Employees
Human Resources	464	2	0.43
Facilities	2454	14	0.57
Psychology Services	1185	8	0.68
Recreation	799	8	1.00
CEOs Office and Staff	905	5	0.55
Food Service	1717	27	1.57
Computer Services	238	3	1.26
Correctional Services	17242	169	0.98
Health Services/Safety	2705	17	0.63
Unit Management	3172	21	0.66
Religious Services	329	1	0.30
Records/Inmate Systems	1047	6	0.57
Education & Vocational Training	1076	5	0.46
Business Office	1634	13	0.80
Central Office/Staff Training Centers	1895	4	0.21
UNICOR	425	1	0.24
Inmate Services	366	0	0.00
Other*	1969	0	0.00

* "Other" staff includes those assigned to special programs (i.e. ICC).

Closed/Sustained Misconduct

Residential Reentry Center Employees

There were 135 contract/residential reentry center employees identified as misconduct subjects in Fiscal Year 2017. As of October 13, 2017, a decision had been made for 59.1 percent of those 135 employees. Of the 59.1 percent (or 80 employees), 20.0 percent (16) had a sustained decision.

Sustained Misconduct – Residential Reentry Center Employees			
Allegation	Inmate Related	Non Inmate Related	Off-Duty
Abuse of Inmates	1		
Inappropriate Relationship with Inmates	12		
Unprofessional Conduct	1	1	
Personnel Prohibitions		3	0
Failure to Follow Policy	2	0	
Other On-Duty Misconduct	1	0	
Sexual Abuse of Inmates	2		
Unauthorized Release of Information	1	0	
Investigative Violations		1	
Inattention to Duty	1	0	

Closed/Sustained Misconduct

Staff in Privatized Facilities

There were 133 employees working in privatized facilities identified as misconduct subjects during Fiscal Year 2017. As of October 13, 2017, a decision had been made for 69.2 percent of those 133 employees. Of the 69.2 percent (or 92 employees), 46.7 percent (43) had a sustained decision.

Table 6 provides a breakdown of the categories of misconduct sustained against employees working in privatized facilities. The most frequently sustained category of misconduct for staff working in privatized facilities was Failure to Follow Policy.

Table 6: Types of Sustained Misconduct for Staff in Privatized Facilities - Fiscal Year 2017 With 69.2 Percent Closed				
Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Failure to Follow Policy	9	5		14
Inappropriate Relationships With Inmates	10			10
On-Duty Misconduct	1	5		6
Breach of Security	0	3		3
Unprofessional Conduct	2	9		11
Investigative Violations		2		2
Abuse of Inmates	0			0
Introduction of Contraband	3	0		3
Inattention to Duty	7	4		11
Sexual Abuse of Inmates	2			2
Fiscal Improprieties	0	0		0
Bribery	0	1		1
Personnel Prohibitions		3	0	3
Discrimination	0	0		0
Unauthorized Release of Information	1	0		1
Off-Duty Misconduct			0	0

Closed/Sustained Misconduct

Drug Treatment Contractors

There were 3 drug treatment contractors identified as misconduct subjects during Fiscal Year 2017. As of October 13, 2017, a decision had been made for 66.7 percent of the 3 drug treatment contractors. Of the 66.7 percent (or 1 drug treatment contractor), 100 percent (1) had a sustained decision. The 1 allegation of Failure to Follow Policy was sustained against the drug treatment contractor.

Contract Employees and Volunteers Working in BOP Facilities

There were 33 contract employees and 5 volunteers working in BOP facilities identified as misconduct subjects during Fiscal Year 2017.

As of October 13, 2017, a decision had been made for 45.5 percent of the 33 contract employees. Of the 45.5 percent (or 15 contract employees), 46.7 percent (7) had a sustained decision.

As of October 13, 2017, a decision had been made for 40.0 percent of the 5 volunteers. Of the 40.0 percent (or 2 volunteers), 50.0 percent (1) had a sustained decision.

Sustained Misconduct - Contract Employees/Volunteers			
Allegation	Inmate Related	Non Inmate Related	Off-Duty
Sexual Abuse of Inmates	2		
Inappropriate Relationship with Inmates	10		
Investigation Violations		2	
Personnel Prohibitions	0	1	
Fiscal Improprieties	1	0	
Off-Duty Misconduct			1
Unprofessional Conduct	1	0	

Closed/Sustained Misconduct

Public Health Services (PHS) Employees Working in BOP Facilities

Of the approximately 801 PHS employees working in BOP facilities, 62 were identified as misconduct subjects during Fiscal Year 2017 (7.7 percent). As of October 13, 2017, a decision had been made for 19.4 percent of those 62 PHS employees. Of the 19.4 percent (or 12 PHS employees), 50.0 percent (6) had a sustained decision, for a sustained rate of 3.0 percent of total PHS employees working in BOP facilities.

Sustained Misconduct – PHS Employees			
Allegation	Inmate Related	Non Inmate Related	Off-Duty
Personnel Prohibitions	0	1	
Fiscal Improprieties	0	1	
Off-Duty Misconduct			2
Inattention to Duty	0	1	
Failure to Follow Policy	0	2	
Other On-Duty Misconduct	0	2	

Physical Abuse of Inmates

Title 18, United States Code, Chapter 13 - Civil Rights

§241 Conspiracy against rights

If two or more persons conspire to injure, oppress, threaten, or intimidate any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured --

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

§242 Deprivation of rights under color of law

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both.

If bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or may be sentenced to death.

Statistics

During Fiscal Year 2017, 409 allegations of Physical Abuse of Inmates, were either reported to the OIA, or detected during the course of an investigation. As of October 13, 2017, a decision had been made for 25.7 percent (or 105) of those allegations. Allegations of Physical Abuse are tracked by the degree of injury sustained by the inmate(s) - life threatening injury, serious injury, minor/slight injury, minor/no injury (harassment), and superficial injury (injuries associated with the normal use of restraints). One (1) allegation of Physical Abuse reported during Fiscal Year

Physical Abuse of Inmates

2017 was sustained as of October 13, 2017. The inmate involved sustained minor/slight injury. The subject involved was a BOP Employee. The subject with a sustained allegation of Physical Abuse of Inmates was not criminally prosecuted.

Introduction of Contraband

Title 18, United States Code, Chapter 87 - Prisons

§1791 Providing or possessing contraband in prison

(a) Offense -Whoever-

(1) In violation of a statute or a rule or order issued under a statute, provides to an inmate of a prison a prohibited object, or attempts to do so; or

(2) being an inmate of a prison, makes, possesses, or obtains, or attempts to make or obtain, a prohibited object;

shall be punished as provided in subsection (b) of this section.

(b) Punishment.-The punishment for an offense under this section is a fine under this title or -

(1) imprisonment for not more than 20 years or both, if the object is specified in subsection (d)(1)(C) of this section;

(2) imprisonment for not more than 10 years or both, if the object is specified in subsection (d)(1)(A) of this section;

(3) imprisonment for no more than 5 years or both, if the object is specified in subsection (d)(1)(B) of this section;

(4) imprisonment for no more than one year or both, if the object is specified in subsection (d)(1)(D) or (c)(1)(E) of this section; and

(5) imprisonment for not more than six months or both, if the object is specified in subsection (d)(1)(F) of this section.

(c) Any punishment imposed under subsection (b) for a violation of this section by an inmate of a prison shall be consecutive to the sentence being served by such inmate at the time the inmate commits such violation.

(d) Definitions -As used in this section-

(1) The term “prohibited object” means:

(A) A firearm, destructive device or a controlled substance in Section I or II, other than marijuana or a controlled substance referred to in subparagraph (C) of this subsection;

Introduction of Contraband

(B) marijuana or a controlled substance in schedule III, other than a controlled substance referred to in subparagraph (C) of this subsection, ammunition, a weapon (other than a firearm or destructive device), or an object that is designed or intended to be used as a weapon or to facilitate escape from a prison;

(C) a narcotic drug, methamphetamine, its salts, isomers, and salts of its isomers, lysergic acid diethylamide, or phencyclidine;

(D) a controlled substance (other than a controlled substance referred to in subparagraph (A), (B), or (C) of this subsection) or an alcoholic beverage;

(E) any United States or foreign currency; and

(F) any other object that threatens the order, discipline, or security of a prison, or the life, health, or safety of an individual;

(2) the terms “ammunition,” “firearm,” and “destructive device” have, respectively, the meanings given those terms in section 921 of this title;

(3) the terms “controlled substance” and “narcotic drug” have, respectively, the meanings given those terms in section 102 of the Controlled Substances Act (21 USC, §802); and

(4) the term “prison” means a Federal correctional, detention, or penal facility or any prison, institution, or facility in which persons are held in custody by direction of our pursuant to a contract or agreement with the Attorney General.

Statistics

During Fiscal Year 2017, 429 allegations of Introduction of Contraband were either reported or detected during the course of an investigation. As of October 13, 2017, a decision had been made for 21.0 percent (or 90) of those allegations. As of October 13, 2017, 23 (or 24.4 percent) allegations of Introduction of Contraband reported during Fiscal Year 2017 were sustained:

Type of Contraband	Inmate Related	Non Inmate Related
Soft Item	2	0
Weapons*	0	5
Unauthorized Electronic Device	2	12
Cigarettes/Tobacco	1	0
Other Unspecified Drugs	1	0

*Includes 3 Handguns and 2 Weapon classified as “Other”

Introduction of Contraband

There were 22 individuals involved in the sustained allegations of Introduction of Contraband. Twenty (20) of these individuals were BOP employees (11 male and 9 female). Eleven (11) of the BOP employees worked in Correctional Services, 1 worked in Health Services/Safety, 1 worked in Mechanical Services, 1 in Food Services, 1 in Religious Services, 1 in Inmate Services, 1 in Business Office, 1 in Unit Management, 1 in Human Resources, and 1 in CEO Office and Staff. Two (2) of the individuals with a sustained allegation were staff working in privatized facilities.

Sexual Abuse of Inmates

Title 18, United States Code, Chapter 109A - Sexual Abuse

§2241 Aggravated Sexual Abuse

(a) By force or threat - Whoever, in the special maritime or territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract agreement with the head of any Federal department or agency, knowingly causes another person to engage in a sexual act -

(1) by using force against that other person, or

(2) by threatening or placing that other person in fear that any person will be subjected to death, serious bodily injury, or kidnapping;

or attempts to do so, shall be fined under this title, imprisoned for any term of years, life or both.

(b) By other means - Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly -

(1) renders another person unconscious and thereby engages in a sexual act with that other person; or

(2) administers to another person by force or threat of force, or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance and thereby -

(A) substantially impairs the ability of that other person to appraise or control conduct; and

(B) engages in a sexual act with that other person;

or attempts to do so, shall be fined under this title, imprisoned for any term of years, life or both.

§2242 Sexual Abuse

Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly -

(1) causes another person to engage in a sexual act by threatening or placing that other person in fear (other than by threatening or placing that other person in fear that any person will be subjected to death, serious bodily injury, or kidnapping); or

Sexual Abuse of Inmates

(2) engages in a sexual act with another person if that other person is -

(A) incapable of appraising the nature of the conduct; or

(B) physically incapable of declining participation in, or communicating unwillingness to engage in, that sexual act;

or attempts to do so shall be fined under this title and imprisoned for any term of years or for life.

§2243 Sexual Abuse of a Ward

(b) Of a ward - Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of our pursuant to a contract or agreement with the head of any Federal department or agency, knowingly engages in a sexual act with another person who is -

(1) in official detention; and

(2) under the custodial, supervisory, or disciplinary authority of the person so engaging;

or attempts to do so, shall be fined under this title, imprisoned not more than 15 years or both.

§2244 Abusive Sexual Contact

(a) Sexual contact in circumstances where sexual acts are punished by this chapter. - Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the head of any Federal department or agency, knowingly engages in or causes sexual contact with or by another person, if so to do would violate -

(1) subsection (a) or (b) of section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than ten years or both;

(2) section 2242 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than three years or both;

(3) subsection (a) of section 2243 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than two years or both;

(4) subsection (b) of section 2243 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than two years or both.

Sexual Abuse of Inmates

(5) subsection (c) of section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title and imprisoned for any term of years or for life.

(b) In Other Circumstances. - Whoever, in the special maritime and territorial jurisdiction of the United States, or a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of our pursuant to a contract or agreement with the head of any Federal department or agency, knowingly engages in sexual contact with another person without that other person's permission shall be fined under this title, imprisoned no more than two years, or both.

§ 2246 Definitions

(1) The term "prison" means a correctional, detention, or penal facility;

(2) The term "sexual act" means -

(A) contact between the penis and the vulva or the penis and the anus, and for the purposes of this subparagraph, contact involved the penis occurs upon penetration, however slight;

(B) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; or

(C) the penetration, however slight, of the anal or genital opening by another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, arouse or gratify the sexual desire of any person;

(D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, arouse or gratify the sexual desire of any person;

(3) The term "sexual contact" means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with intent to abuse, humiliate, harass, degrade, arouse or gratify the sexual desire of any person;

(4) The term "serious bodily injury" means bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

(5) The term "official detention" means -

(A) detention by a Federal officer or employee, or under the direction of a Federal officer or employee, following arrest for an offense; following surrender in lieu of an arrest for an offense; following a charge or conviction of an offense, or an allegation or finding of

Sexual Abuse of Inmates

juvenile delinquency; following commitment as a material witness; following civil commitment in lieu of criminal proceedings or pending resumption of criminal proceedings that are being held in abeyance, or pending extradition, deportation, or exclusion; or

(B) custody by a Federal officer or employee, or under the direction of a Federal Officer or employee, for purposes incident to any detention described in subparagraph (A) of this paragraph, including transportation, medical diagnosis or treatment, court appearance, work, and recreation; but does not include supervision or under control (other than custody during specified hours or days) after release on bail, probation, parole or after release following a juvenile delinquency.

Note: Also reference the most recent and relevant program statements pertaining to the Prison Rape Elimination Act (PREA): PREA G5324A.03; as well as Sexually Abusive Behavior Prevention and Intervention Program, 5324.12.

Statistics

During Fiscal Year 2017, 419 allegations of Sexual Abuse, were either reported to the OIA or detected during the course of an investigation. Of the 419 allegations, 369 involved BOP employees, 4 involved a PHS employees working in a BOP facility, 31 involved contract staff working in residential reentry facilities, 12 involved staff working in privatized facilities and 3 involved contract staff working in a BOP facility.

The allegations that appeared with the most frequency were Unprofessional Conduct of a Sexual Nature between male staff and male inmates, with 123 allegations reported, and Abusive Sexual Contact between male staff and male inmates, with 90 allegations reported.

As of October 1, 2017, 9 allegations of Sexual Abuse reported during Fiscal Year 2017 were sustained. Two hundred twenty-eight (228) allegations reported during Fiscal Year 2017 were pending.

Representative Case Summaries

Though the outcome, discipline and disposition of any investigated case may vary, the following are brief summaries of some of the cases, which were completed as of Fiscal Year 2017:

- **Personnel Prohibitions:** A male Case Manager was asked to provide a urine sample for a random urinalysis. The urinalysis results revealed the subject tested positive for Marijuana. The allegation of Use/Abuse of Illegal Drugs/Alcohol were sustained. The subject was terminated. (2017-03680)
- **Unprofessional Conduct (Non-Inmate Related):** A male Facilities staff member allegedly took another male Facilities staff member's PIV card and refused to give it back. The subject then allegedly put his crotch in the other staff member's face and told the individual to reach in and get his card. The staff member allegedly refused but asked the subject to give his card back. The subject then allegedly sat down, lifted his shirt and started to rub his nipples. The subject then asked the complainant to come over and rub his (subject's) nipples. Later, the complainant claims he overheard that he was being referred to as a "rat" in Facilities. The subject further allegedly placed a piece of plywood between his and the complainant's desk in an attempt to segregate the complainant from the rest of the Facilities staff. The investigation determined the allegations of Unprofessional Conduct, Unprofessional Conduct of a Sexual Nature and Workplace Violence were sustained. The subject was terminated. (2017-01475)
- **Unprofessional Conduct (Inmate Related):** A male Facilities staff member took a piece of paper from an inmate and crumpled the sheet of paper. The subject then reached out to the inmate, pulled open his [inmate's] khaki shirt; then the subject proceeded to stuff the paper down the front of the inmate's shirt. An investigation determined that the allegation of Unprofessional Conduct was sustained. The subject received a 1 day suspension. (2017-03863)
- **Inattention to Duty:** A male Correctional Officer was observed using a laptop computer while he was on duty escorting an inmate at the local hospital. An investigation determined the allegations of Failure to Properly Supervise Inmates and Inattention to Duty were sustained. The subject received a written reprimand. (2017-03186)
- **Falsification of Documents and Failure to Follow Policy:** A female Executive Assistant/Camp Administrator allegedly fraudulently signed inmate Program Review forms, despite not being present during the review. The complainant claims she had requested the subject to attend/participate in inmate Program Reviews on numerous occasions. The complainant alleged she even changed the day and time as per the subject's direction, yet the subject did not attend any reviews. The allegations of Falsification of Documents and Failure to Follow Policy were sustained against the subject. Additionally, the investigation revealed sufficient evidence the complainant conducted inmate Program Review meetings alone. Therefore, the allegation of Failure

Representative Case Summaries

to Follow Policy was sustained against the complainant. The subject received a 1 day suspension. The complainant received a Written Reprimand. (2016-05274)

- **Fiscal Improprieties:** A female Sex Offender Treatment Specialist allegedly started a private practice Psychology Services company without CEO authorization. The complainant alleged the subject stated she did not intend to seek approval because the Warden would deny the request. The subject's supervisor alleged the subject had consistently requested leave via the FMLA on Mondays for personal mental health and medical appointments. An investigation revealed the subject utilized the time she was on leave to conduct business for her private company. It was determined the subject's outside employment activities did not comply with the stated purposes for which employees are entitled to FMLA. The allegations of Time and Attendance Irregularities and Failure to Follow Policy were sustained. The subject resigned. (2017-02784)
- **Failure to Follow Policy:** A male Correctional Officer was observed entering the institution without drawing a vest from the Control Center. The subject was instructed to report to the Control Center to draw a vest. The complainant instructed the subject, that he was not permitted to enter the institution with a personally owned vest and that the subject was to wear the BOP issued, stab-resistant vest. An investigation determined the allegations of Failure to Follow Supervisor Instructions and Failure to Follow Policy were sustained. The subject received a 2 day suspension. (2017-01453)
- **Off-Duty Misconduct (DUI/DWI and Misuse of Official Position/Badge):** A male Facilities staff member was arrested for Operating a Motor Vehicle, Under the Influence. The arrest report indicated the subject provided his BOP ID to the deputy, despite being asked for his driver's license several times, and stated, "That is the only identification you will need." The arrest report further noted the subject asked the deputy, "Aren't we on the same team? Just take me home." The subject's Blood Alcohol Level (BAC) was 0.32% when he was processed into the jail. Based upon the police report, there was sufficient evidence that the subject unsuccessfully attempted to use his BOP position and identification to avoid arrest. Accordingly, the allegations of DWI/DUI and Misuse of Official Position/Badge were sustained. The subject received a 3 day suspension. (2016-3972)
- **Off-Duty Misconduct (Failure to Pay Just Debts, Refusing to Cooperate, and Failure to Obtain Outside Employment Approval):** A male Materials Handler Supervisor failed to provide documentation to resolve interrogatories after several requests during a recent background re-investigation. The subject allegedly had several outstanding financial accounts for a noted total over \$55,000. It was also noted the subject was employed as a part-time Security Officer at a local hospital. The subject had not received prior authorization for outside employment. The investigation determined the allegations of Failure to Pay Just Debts, Refusing to Cooperate, and Failure to Obtain Outside Employment Approval were sustained. The subject received a 2 day suspension. (2016-01982)

Representative Case Summaries

- **Breach of Computer Security:** A male Correctional Officer plugged in his personal cell phone to the USP Control Center computer three separate times, as reported by the Symantec Endpoint Protection software. The Control Center is beyond the staff's screening site in the Front Lobby, therefore the staff member should not have been in possession of his cell phone. The investigation concluded the allegations of Unauthorized Electronic Device Introduction and Failure to Follow Policy and Breach of Computer Security were sustained. The subject received a Written Reprimand. (2017-00213)
- **Breach of Security, Inattention to Duty, and Failure to Follow Policy:** A female Correctional Officer abandoned the Control Center post. The complainant alleges he witnessed the subject walk past the Lieutenant's Office, but he was unaware at the time the post was abandoned. The subject allegedly exited the Control Center, leaving the Control Center door open and the flag grill unsecured, so she could smoke in one of the recreation cages. The allegations of Breach of Security, Inattention to Duty and Failure to Follow Policy were sustained. The subject resigned. (2017-04186)
- **Inappropriate Relationships with Inmates/Inmate's Family and Unprofessional Conduct of a Sexual Nature:** A male Correctional Officer inappropriately contacted an inmate's girlfriend via text, attempting to solicit a romantic relationship. The subject was utilizing the visiting program to acquire the girlfriend's contact information. An SIS Technician received a telephone call from the girlfriend, who claimed she had received text messages from the subject, which were sexual in nature. The allegations of Improper Contact with an Inmate/Inmate's Family and Unprofessional Conduct of a Sexual Nature were sustained. The subject resigned. (2016-08078)
- **Inappropriate Relationships with Inmates:** A female Correctional Officer sent sexually explicit photographs of herself to a male inmate who had recently transferred to a halfway house. The subject visited the inmate and his family on multiple occasions, engaged in a sexual relationship with the inmate and accepted gifts from the inmate. The inmate was eventually sent back to a Federal prison on a violation. The subject continued to correspond with the inmate via the BOP inmate telephone and e-mail system. The OIG investigation also revealed the subject provided the inmate with \$20,000. The allegations of Offering/Giving Anything of Value, Appearance of an Inappropriate Relationship, Improper Contact with an Inmate/Inmate's Family and Soliciting/Accepting Anything of Value were sustained. The subject was terminated. (2016-03842)
- **Investigative Violations – Advising Someone to Violate Policy:** A male Deputy Captain instructed a female Correctional Officer to open the front door while weapons were being returned to an open gun locker. The complainant reported she told the subject she could not open the door because the gun locker was open. The subject replied, "It's not in policy, open the [expletive] door." The allegations of Breach of Security, Advising

Representative Case Summaries

Someone to Violate Policy and Unprofessional Conduct were sustained. The subject received a Written Reprimand. (2015-03340)

- **Excessive Use of Force – OC Related:** A male inmate threw an unknown liquid substance (believed to be urine) at a male Correctional Officer. The complainant states the subject responded by dispersing "one two second burst of O.C. from his MK-4 canister." The investigation revealed the subject used excessive force when he sprayed the inmate with OC. At the time of the incident, the inmate was secured in his cell and the subject admitted there was opportunity for him to depart the range once the liquid was thrown on him. Accordingly, the allegations of Excessive Use of Force - OC Spray and Failure to Follow Policy-OC Spray were sustained. The subject received a 1 day suspension. (2016-05048)
- **Excessive Use of Force:** A male Lieutenant allegedly grabbed a female inmate by the hair on the back of her head and pulled her toward the ground in an attempt to place her in hand restraints. The investigation revealed that during the immediate use of force, the subject pulled the inmate's hair twice after the inmate's hands were in restraints behind her back. The allegation of Excessive Use of Force was sustained. The subject received a 5 day suspension. (2015-04652)
- **Unauthorized Release of Information:** A male Case Manager provided an inmate with the access code to make unmonitored telephone calls. During a legal call, the subject allegedly provided the inmate with a PIN number and left the inmate alone, allowing the inmate to be unsupervised and to make as many unmonitored phone calls as the inmate desired. The allegation of Unauthorized Release of Information and Failure to Follow Policy were sustained. The subject received a 2 day suspension. (2017-00315)
- **Bribery:** A male Unit Manager bribed an inmate to provide cash in exchange for contraband. The subject received \$700 and a cell phone from an employee of the inmate's attorney. The subject was also poised to accept a \$15,000 loan from the inmate. The subject never introduced contraband to the facility. The allegation of Bribery was sustained. The subject resigned. (2017-00598)
- **Introduction of Contraband (Cigarettes):** A male Correctional Officer allegedly provided an inmate with cans of tobacco and Suboxone in exchange for money. The investigation did not substantiate that the subject had introduced Suboxone or received money; however, the subject admitted he provided the inmate with cigarettes on multiple occasions. The allegation of Cigarettes/Tobacco Introduction was sustained. The subject resigned. (2017-00960)
- **Bribery and Introduction of Contraband (Soft Item/Other Drugs):** A male Correctional Officer at a private facility offered to introduce illegal drugs in exchange for \$2,000. The subject solicited assistance from an OIG confidential informant (CI) to

Representative Case Summaries

obtain a large quantity of marijuana. The CI provided the subject with the contact information of an OIG undercover agent. The subject agreed to smuggle cocaine into the correctional facility in exchange for money. The subject also admitted he had smuggled cigarettes and cologne into the institution for an inmate. When the subject was arrested, he was found in possession of money, cocaine, and a Glock 22 .40 caliber handgun. The subject was convicted for Possession with Intent to Distribute a Controlled Substance. The subject was sentenced to 46 months incarceration, 1 year of supervised release and 40 hours of community service. (2017-00359)

- **Introduction of Contraband (Weapons):** A female Accounting Technician placed her items through the x-ray scanner, when the Front Lobby Officer notified her that there appeared to be a handgun in her bag, the subject took the bag from the machine and returned it to her vehicle. The subject then proceeded to park her vehicle off institution property. The allegation of Weapons Introduction was sustained. The subject received a 21 day suspension. (2017-03470)
- **Introduction of Contraband - Unauthorized Electronic Device:** A male Probationary Correctional Officer placed his items through the x-ray scanner, when the Front Lobby Officer saw what appeared to be a laptop in the personal bag belonging to the subject. The subject allegedly stated, "Oh my bad, I was working mobile patrol and I had it there and I am working overtime now so I forgot." The subject departed the Front Lobby and placed the laptop in his vehicle. The allegation of Unauthorized Electronic Device Introduction was sustained. The subject resigned. (2017-00971)
- **Unprofessional Conduct of a Sexual Nature (Staff Related):** A male Unit Manager walked behind a female Case Manager, placed his hand on her waist and began dancing. A witness stated she observed the subject rotating his hips behind the complainant. The allegation of Unprofessional Conduct of a Sexual Nature was sustained. The subject received a 1 day suspension. (2016-07599)
- **Unprofessional Conduct of a Sexual Nature (Staff Related):** A male Correctional Officer made several inappropriate comments toward a female Correctional Officer while at work, to include the Training Center during a "going-away" function. The complainant claims the subject "propositioned" the complainant for sex. The complainant claims the subject has asked her "more than once," if she wants "company" in the restroom. The subject allegedly told the complainant, "Those pants make your ass look great." The allegation of Unprofessional Conduct of a Sexual Nature was sustained. The subject received a 10 day suspension. (2016-07867)

Types of Sustained Misconduct for BOP Employees - FY 2016 With 68.84 Percent Closed				
Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
On-Duty Misconduct	15	47		62
Personnel Prohibitions		68	6	74
Inattention to Duty	10	34		44
Failure to Follow Policy	26	48		74
Unprofessional Conduct	4	24		28
Fiscal Improprieties	2	39		41
Off-Duty Misconduct			23	23
Breach of Security	11	16		27
Inappropriate Relationships With Inmates	27			27
Introduction of Contraband	5	12		17
Investigative Violations		12		12
Sexual Abuse of Inmates	1			1
Unauthorized Release of Information	1	4		5
Abuse of Inmates	4			4
Bribery	2	0		2
Discrimination	0	0		0

Types of Sustained Misconduct for BOP Employees - FY 2015 With 86.60 Percent Closed				
Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Personnel Prohibitions		58	7	65
Unprofessional Conduct	14	29		43
Inattention to Duty	15	22		37
On-Duty Misconduct	6	28		34
Fiscal Improprieties	0	31		31
Failure to Follow Policy	6	20		26
Off-Duty Misconduct			24	24
Breach of Security	6	10		16
Introduction of Contraband	0	15		15
Inappropriate Relationships With Inmates	12			12
Investigative Violations		6		6
Abuse of Inmates	1			1
Sexual Abuse of Inmates	2			2
Unauthorized Release of Information	1	1		2
Discrimination	0	0		0
Bribery	0	0		0

Types of Sustained Misconduct for BOP Employees - FY 2014 With 94.10 Percent Closed				
Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Personnel Prohibitions		54	8	62
Unprofessional Conduct	12	24		36
Inattention to Duty	15	29		44
On-Duty Misconduct	13	23		36
Fiscal Improprieties	1	29		30
Failure to Follow Policy	21	18		39
Off-Duty Misconduct			20	20
Breach of Security	6	9		15
Introduction of Contraband	4	4		8
Inappropriate Relationships With Inmates	20			20
Investigative Violations		9		9
Abuse of Inmates	3			3
Sexual Abuse of Inmates	5			5
Unauthorized Release of Information	2	1		3
Discrimination	0	0		0
Bribery	1	0		1

Types of Sustained Misconduct for BOP Employees - FY 2013 With 98.10 Percent Closed				
Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Personnel Prohibitions		57	7	64
Unprofessional Conduct	26	32		58
Inattention to Duty	21	30		51
On-Duty Misconduct	13	43		56
Fiscal Improprieties	2	40		42
Failure to Follow Policy	18	24		42
Off-Duty Misconduct			31	31
Breach of Security	16	19		35
Introduction of Contraband	7	15		22
Inappropriate Relationships With Inmates	20			20
Investigative Violations		9		9
Abuse of Inmates	3			3
Sexual Abuse of Inmates	3			3
Unauthorized Release of Information	5	2		7
Discrimination	0	0		0
Bribery	2	0		2

Types of Sustained Misconduct for BOP Employees - FY 2012 With 99.59 Percent Closed				
Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Personnel Prohibitions		90	6	96
Unprofessional Conduct	16	33		49
Inattention to Duty	8	25		33
On-Duty Misconduct	13	53		66
Fiscal Improprieties	5	50		55
Failure to Follow Policy	18	32		50
Off-Duty Misconduct			33	33
Breach of Security	16	16		32
Introduction of Contraband	10	9		19
Inappropriate Relationships With Inmates	27			27
Investigative Violations		8		8
Abuse of Inmates	0			0
Sexual Abuse of Inmates	7			7
Unauthorized Release of Information	2	1		3
Discrimination	0	0		0
Bribery	1	0		1

Types of Misconduct

Abuse of Inmates

Physical Abuse of Inmates
Excessive Use of Force
Threatening an Inmate/Verbal Abuse
Retaliation

Sexual Abuse of Inmates

Aggravated Sexual Abuse - §2241
Sexual Abuse/Sexual Abuse of a Ward - §2242/2243
Abusive Sexual Contact - §2244
Unprofessional Conduct of a Sexual Nature

Introduction of Contraband

Soft Item Introduction
Weapons Introduction
Escape Paraphernalia Introduction
Money Introduction
Marijuana Introduction
Heroin & Derivatives Introduction
Cocaine Introduction
Other Unspecified Drugs Introduction
Alcoholic Beverages Introduction
Unauthorized Electronic Device Introduction
Creatine/Weightlifting Supplement Introduction
Cigarettes/Tobacco Introduction

Discrimination

Fiscal Improprieties

Time and Attendance Irregularities
Abuse of Sick Leave
Voucher Falsification
Theft/Misuse of Government Funds
Theft/Misuse of Government Property
Misuse of Government Computers
Improper Procurement Procedures
Failure to Pay Government Charge Card
Misuse of Travel Charge Card
Misuse of Purchase Charge Card
Misuse of SmartPay 2 Credit Card

Theft/Misuse of Employees' Club Funds
Theft/Misuse of AFGE/Union Funds
Theft of Inmate Funds
Theft/Destruction of Inmate Property
Theft/Misuse of Contractor Funds
Theft/Misuse of Contractor Property
Failure to Account for Inmate Funds/Property
Theft of Employee Funds/Property
Misuse of UNICOR Resources
Contract Fraud

Bribery

Bribery
Conspiracy to Commit Bribery

Inappropriate Relationship With Inmates

Soliciting/Accepting Anything of Value
Offering/Giving Anything of Value
Improper Contact With an Inmate/Inmate's Family
Appearance of an Inappropriate Relationship
Misuse of Inmate Labor
Preferential Treatment of Inmates

Investigative Violations

Concealing a Material Fact
Refusing to Cooperate
Lying During an Investigation
Providing a False Statement
Altering/Destroying Evidence/Documents
Refusing to Submit to a Search
Interfering With/Impeding an Investigation
Advising Someone to Violate Policy
Conducting an Unauthorized Investigation
Lack of Candor

Personnel Prohibitions

Threatening/Intimidating Employees (relates to personnel actions)
Failure to Report Violation of Rules/Regulations
Falsification of Employment Records
Misuse of Official Position/Badge
Inappropriate Supervisor/Subordinate Relationship
Engaging in Prohibited Personnel Practices
Use/Abuse of Illegal Drugs/Alcohol

Absent Without Leave
Retaliation
Refusing to Take a Drug Test

Unauthorized Release of Information

Other On-Duty Misconduct

Unprofessional Conduct of a Sexual Nature
Inattention to Duty¹
Failure to Respond to an Emergency
Failure to Properly Supervise Inmates
Breach of Security¹
Breach of Computer Security¹
Falsification of Documents
Unprofessional Conduct¹
Failure to Follow Policy¹
Gambling/Promotion of Gambling
Endangering the Safety of an Inmate
Endangering the Safety of Others
Providing False Information Other Than During an Official Investigation
Insubordination
Accidental Discharge of a Firearm
Soliciting/Sale of Goods on Government Property
Job Favoritism
Workplace Violence
Failure to Meet Performance Standards
Failure to Follow Supervisor's Instructions
Fraudulent Workers' Compensation Claims
Conduct Unbecoming a Management Official

Off-Duty Misconduct

Arrest and Conviction
Failure to Report Arrest
Failure to Pay Just Debts
Failure to Obtain Outside Employment Approval
DWI/DUI
Domestic Violence
Traffic Citation
Carrying an Unregistered/Concealed Firearm
Discreditable Behavior
Falsification of Records/Documents
Other Citation (Hunting, etc.)
Conflict of Interest

¹Due to the frequency of this type of misconduct, it is identified separately throughout this report.

Monitoring Assignments

Effective August 30, 2017

Alderson, WV.....	(Beverley Brown)	Lee, VA.....	(Mike Burton)
Aliceville, AL.....	(Mike Burton)	Lewisburg, PA.....	(Stephen Buckler)
Allenwood, PA.....	(Brian Cregan)	Lexington, KY.....	(Pete Farrington)
Ashland, KY.....	(Wade Houk)	Lompoc, CA.....	(Wade Houk)
Atlanta, GA.....	(Chris Swiulec)	Loretto, PA.....	(Jeff McLaughlin)
Atwater, CA.....	(Diana Lofstead)	Los Angeles, CA.....	(Jeff James)
Bastrop, TX.....	(Bill Lowery)	Manchester, KY.....	(Chris Swiulec)
Beaumont, TX.....	(Marty Vogel)	Marianna, FL.....	(Brian Cregan)
Beckley, WV.....	(Beverley Brown)	Marion, IL.....	(Bill Lowery)
Bennettsville, SC.....	(Mike Burton)	Mendota, CA.....	(Marty Vogel)
Berlin, NH.....	(Pete Farrington)	McCreary, KY.....	(Wade Houk)
Big Sandy, KY.....	(Beverley Brown)	McDowell, WV.....	(Andy Tietjen)
Big Spring, TX.....	(Andy Tietjen)	McKean, PA.....	(Pete Farrington)
Brooklyn, NY.....	(Andy Tietjen)	Memphis, TN.....	(Jeff James)
Bryan, TX.....	(Jeff James)	Miami (FDC & FCI), FL.....	(Janis Johnson)
Butner, NC.....	(Brian Cregan)	MXRO, MD.....	(Janis Johnson)
Canaan, PA.....	(Janis Johnson)	Milan, MI.....	(Jerry Cramer)
Carswell, TX.....	(Brian Cregan)	Montgomery, AL.....	(David Rhodes)
Chicago, IL.....	(Pete Farrington)	Morgantown, WV.....	(Diana Lofstead)
Coleman, FL.....	(Chris Swiulec)	New York, NY.....	(Jeff McLaughlin)
Cumberland, MD.....	(Jeff McLaughlin)	NCRO, KS.....	(Stephen Buckler)
Danbury, CT.....	(Diana Lofstead)	NERO, PA.....	(Bill Lowery)
Devens, MA.....	(Andy Tietjen)	Oakdale, LA.....	(Jeff James)
Dublin, CA.....	(Diana Lofstead)	Oklahoma, OK.....	(Jeff McLaughlin)
Duluth, MN.....	(Stephen Buckler)	Otisville, NY.....	(Janis Johnson)
Edgefield, SC.....	(Chris Swiulec)	Oxford, WI.....	(Wade Houk)
El Reno, OK.....	(Beverley Brown)	Pekin, IL.....	(Stephen Buckler)
Elkton, OH.....	(Pete Farrington)	Pensacola, FL.....	(Peter Farrington)
Englewood, CO.....	(Wade Houk)	Petersburg, VA.....	(Beverley Brown)
Estill, SC.....	(Pete Farrington)	Philadelphia, PA.....	(Jeff McLaughlin)
Fairton, NJ.....	(Mike Burton)	Phoenix, AZ.....	(David Rhodes)
Florence, CO.....	(Marty Vogel)	Pollock, LA.....	(Andy Tietjen)
Forrest City, AR.....	(David Rhodes)	Ray Brook, NY.....	(Jeff McLaughlin)
Fort Worth, TX.....	(Jeff James)	Rochester, MN.....	(Stephen Buckler)
Fort Dix, NJ.....	(Erik Anderson)	Safford, AZ.....	(David Rhodes)
Gilmer, WV.....	(Wade Houk)	San Diego, CA.....	(Diana Lofstead)
Grand Prairie, TX.....	(Jeff James)	Sandstone, MN.....	(Jeff James)
Greenville, IL.....	(David Rhodes)	Schuylkill, PA.....	(Pete Farrington)
Guaynabo, PR.....	(Beverley Brown)	Seagoville, TX.....	(Diana Lofstead)
Hazelton, WV.....	(Jerry Cramer)	SeaTac, WA.....	(Jerry Cramer)
Herlong, CA.....	(Diana Lofstead)	Sheridan, OR.....	(Janis Johnson)
Honolulu, HI.....	(Marty Vogel)	SCRO, TX.....	(Jeff James)
Houston, TX.....	(Jeff James)	SERO, GA.....	(Bill Lowery)
Jesup, GA.....	(Mike Burton)	Springfield, MO.....	(Stephen Buckler)
La Tuna, TX.....	(Jerry Cramer)		
Leavenworth, KS.....	(Stephen Buckler)		

Monitoring Assignments

Talladega, AL (Jerry Cramer)
Tallahassee, FL (David Rhodes)
Terminal Island, CA.....(Diana Lofstead)
Terre Haute, IN (Stephen Buckler)
Texarkana, TX.....(Wade Houk)
Thomson, IL.....(Stephen Buckler)
Three Rivers, TX..... (Jeff McLaughlin)
Tucson, AZ..... (Brian Cregan)
Victorville, CA..... (Bill Lowery)
Waseca, MN.....(Beverley Brown)
WRO, CA..... (Diana Lofstead)
Williamsburg, SC..... (Pete Farrington)
Yankton, SD..... (Stephen Buckler)
Yazoo City, MS..... (Jeff McLaughlin)