

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

Office of Internal Affairs Report for Fiscal Year 2010



Table of Contents

Executive Summary of Findings.....	1
Reporting Incidents of Misconduct.....	3
Review of Local Staff Misconduct Investigations.....	6
Reported Misconduct.....	8
Closed/Sustained Misconduct.....	11
Physical Abuse of Inmates.....	22
Introduction of Contraband.....	24
Sexual Abuse of Inmates.....	27
Representative Case Summaries.....	34
Significant Prosecutions.....	38
Appendix.....	40

Executive Summary of Findings

- There was a 3.4 percent increase in the number of cases opened in Fiscal Year 2010 as compared with Fiscal Year 2009. The rate of reported misconduct among BOP employees increased 3.5 percent in Fiscal Year 2010 as compared with Fiscal Year 2009.
- The largest increase occurred in cases categorized as Classification 3 offenses (allegations of misconduct which ordinarily have less impact on institutional operations)—a 5.9 percent increase over those cases opened in Fiscal Year 2009.
- The most frequently reported type of misconduct in Fiscal Year 2010 was Other On-Duty Misconduct. Unprofessional Conduct and Abuse of Inmates places second and third, respectively.
- The categories of misconduct which showed the largest increases from Fiscal Year 2009 were Sexual Abuse of Inmates, Discrimination, and Unprofessional Conduct. The most significant decreases occurred in the categories of Investigative Violations, Unauthorized Release of Information, and Breach of Security.
- During Fiscal Year 2010, 20 cases involving Patriot Act Violations were opened. As of September 30, 2010, 16 cases remained open pending investigation, and 4 cases were closed. One allegation of misconduct was sustained.
- As of September 30, 2010, a decision had been made for 29.5 percent of the 5,508 BOP employees identified as misconduct subjects in Fiscal Year 2010. Of the 29.5 percent, 20.6 percent had a sustained decision, a rate of .9 employees per 100 total BOP staff.
- The most frequently sustained category of misconduct among BOP employees with a sustained decision as of September 30, 2010, was Personnel Prohibitions, followed by Unprofessional Conduct and Other On-Duty Misconduct.
- The sustained rate of misconduct for those BOP employees for whom a decision had been made as of September 30, 2010, was the same for male and female BOP staff (.9 employees per 100 total BOP staff in that group).
- The most frequently sustained category of misconduct among male BOP employees with a sustained decision as of September 30, 2010, was Unprofessional Conduct, while the most frequently sustained category of misconduct among female BOP employees with a sustained decision as of September 30, 2010, was Personnel Prohibitions.
- For those BOP employees with a sustained decision as of September 30, 2010, the rate was highest among Computer Services staff (2.6 per 100 total Computer Services staff. Although the absolute number of sustained decisions was low (i.e., 6), the per capita rate

Executive Summary of Findings

was nonetheless the highest given the relatively small number of Computer Services staff in the agency.

- For those BOP employees with a sustained decision as of September 30, 2010, the rate was the same for non-bargaining unit and bargaining unit employees (.9 employees per 100 total BOP staff in that group).
- For those contract/halfway house employees with a sustained decision as of September 30, 2010, the most frequently sustained category of misconduct was Inappropriate Relationships with Inmates. This was also true for those staff in privatized facilities with a sustained decision as of September 30, 2010.
- As of September 30, 2010, 6 allegations of Physical Abuse reported during Fiscal Year 2010 were sustained, all resulting in minor/no injury (harassment) to the inmate. One of the sustained allegations involved a male Correctional Services employee. The remaining 5 allegations involved staff in privatized facilities. None of the subjects with sustained allegations were criminally prosecuted.
- As of September 30, 2010, 30 allegations of Introduction of Contraband reported during Fiscal Year 2010 were sustained, involving 28 individuals. Twelve involved the introduction of soft contraband, 10 involved the introduction of unauthorized electronic devices, 2 involved the introduction of weapons, and 1 each involved the introduction of drugs and alcohol. A male Correctional Services employee and a female contract employee working in a BOP facility were convicted of criminal violations.
- As of September 30, 2010, 13 allegations of Sexual Abuse of Inmates reported during Fiscal Year 2010 were sustained: 4 involved BOP employees, 1 involved a PHS employee working in a BOP facility, 5 involved staff working in contract/halfway house employees, and 3 involved staff working in privatized facilities. One of the 13 individuals involved in the sustained allegations of Sexual Abuse of Inmates was convicted of criminal violations.

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 them to the Chief Executive Officer (CEO), the Office of Internal Affairs (OIA), or the Department of Justice (DOJ), Office of the Inspector General (OIG).

The OIG has established a toll-free hotline (1-800-869-4499) which is available to anyone wishing to report DOJ employees' misconduct, as well as fraud, waste, or abuse in government. All Bureau staff are encouraged to use the OIG hotline if they wish to remain anonymous or fear retaliation or 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 through personal knowledge, the CEO at the institution, Regional Office or Central Office Division, or his or her designee, is to report the violation to the OIA in accordance with the following time frames.

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 1 and 2 cases must be reported telephonically to the OIA immediately.**

Written notification to the OIA will be made **within 24 hours** (not to include weekends and holidays) of the time management learns of the matter. Include:

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

Reporting Incidents of Misconduct

When it is suspected that criminal conduct has occurred, the CEO may refer the matter **simultaneously** to the OIA and the Local OIG or Federal Bureau of Investigation (FBI) office.

Initial Information. A Referral of Incident form (BP-S715.012) is used to organize the information to be provided in the telephonic reporting of cases listed above (for contract employees use form BP-S774.012). Include the following:

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 and to safeguard the rights of the subject.

Supporting Documentation. A Referral of Incident form (BP-S715.012) and all supporting documentation, such as victim or witness statements, medical reports, photos, and related memoranda, must be transmitted via facsimile to the OIA at (202) 514-8625 **immediately but not later than 24 hours** after the telephonic report.

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.

CEOs must notify the OIA before initiating investigations involving any misconduct alleged against management staff occupying GS-13 or above positions. The OIA will coordinate further action with the OIG.

Unless the CEO and the Chief of the OIA agree to a different method, ordinarily, investigations involving Classification 3 cases are to be conducted using local resources. Classification 3 cases are defined as allegations of misconduct which ordinarily have less impact on institutional operations. Ordinarily, CEOs can proceed with local investigations on Classification 3 misconduct allegations for staff occupying bargaining unit positions or GS-12 and below non-bargaining unit positions without first obtaining OIA approval. When a Classification 3 investigation is initiated, facilities will **immediately** complete a Referral of Incident form (BP-S715-012) and forward it, in Word format, to the OIA resource box BOP-DIR/Internal Affairs-. The subject of the e-mail should stated Classification 3 Referral and the facility mnemonic (e.g., Classification 3 Referral - BUX). Only the Referral of Incident form (BP-S715-012) should be forwarded (no predicated information should be forwarded at that time). A signed copy of the Referral of Incident form (BP-S715-012) and the predicated information should be retained in the local investigative file. **When a Classification 3 case is complex and would result in severe disciplinary or adverse action, the procedures for reporting Classification 1 and 2 cases should be followed.**

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 on limited information. As

Reporting Incidents of Misconduct

an investigation unfolds, the severity of misconduct may increase or decrease, thereby moving it into another classification.

Review of Local Staff Misconduct Investigations

For **all** local staff misconduct investigations **completed on or after January 1, 2007**, the investigator must forward the complete investigative packet 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~"). To ensure local investigative packets are reviewed by the OIA in a timely manner, they should **not** be sent to any individual OIA staff member or to any OIA field office. The subject of your e-mail message should include the OIA case number and the facility mnemonic code (e.g., 2007-00001-BUX).

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 (affidavits, memorandums, video files, etc.). **Complete investigative packets must be forwarded; the Summary of Investigation for Classification 3 Cases form (BP-S716.012) is no longer applicable and should not be used.**

Documents must be scanned in .pdf format (Adobe Acrobat). Do not send documents in other formats (e.g., .tif files, .wpd files). Each document should be scanned as a separate document and named by first identifying the document and then providing the name of the individual to whom it relates. Photo images and graphic images may be forwarded in .jpg or .gif format. For example:

Report.pdf
Affidavit-Fred Jones.pdf
Affidavit-Jessica Smith.pdf
MOI-John Johnson.pdf
Pictures-Freddy Imate.jpg

Affidavit files should include the Warning and Assurance to Employee Required to Provide Information (BP-194), if applicable, and 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

For Classification 1 or 2 allegations, local investigators should strive to complete and forward investigative packets to the OIA within 120 calendar days of the date a local investigation was authorized by the OIA. For classification 3 allegations, local investigators should strive to complete and forward investigative packets to the OIA prior to any disciplinary action being taken and within 120 calendar days of the date a local investigation was authorized by the CEO.

Once received, the OIA will complete their review of the local investigative packet within ten business days. The investigator will be advised as to whether the investigative packet is approved or if additional information is needed. This information will be sent via e-mail to the investigator with a copy to the CEO. If additional information is needed, the investigator should forward the additional information to the OIA within 30 calendar days, who will again notify the investigator and the CEO if the packet is approved. Once approved, the investigator should forward the investigative packet to the CEO for appropriate action with **all** Review of Local Investigative Packet forms applicable to that packet attached. **No disciplinary proceedings or other notifications to subjects 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 time frames. SIAs/SISs should continue to work with the monitoring agent assigned to their facility for guidance and to provide updates on outstanding matters.

Reported Misconduct

All allegations of misconduct received by the OIA are referred to the OIG for review and classification. 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.

For those matters deferred for investigation, the OIA determines, after consulting with 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 2010, the OIA opened 4,570 cases involving 5,508 BOP employees, 30 contract employees working in BOP facilities, 52 Public Health Services (PHS) employees working in BOP facilities, 2 volunteers working in BOP facilities, 271 contract/halfway house employees, and 180 employees working in privatized facilities. These 4,570 cases represent a 3.4 percent increase over the 4,420 cases opened during Fiscal Year 2009. The rate of reported misconduct among BOP employees also increased slightly between Fiscal Year 2009 and Fiscal Year 2010 (14.2 subjects per 100 total BOP employees in Fiscal Year 2009 and 14.7 subjects per 100 total BOP employees in Fiscal Year 2010).

The 4,570 cases opened during Fiscal Year 2010 were classified as follows:

Classification 1	1,252
Classification 2	1,258
Classification 3	2,060

The largest increase occurred in cases categorized as Classification 3 offenses--a5.9

Reported Misconduct

percent increase over those cases opened in Fiscal Year 2009. Classification 1 cases showed an increase of 5.7 percent. Conversely, Classification 2 cases showed a decrease of 2.4 percent.

Table 1 provides a breakdown of those categories of misconduct reported during Fiscal Year 2010. The categories of reported misconduct which showed the largest increases from Fiscal Year 2009 were Sexual Abuse of Inmates (a 23.3 percent increase), Discrimination (a 22.2 percent increase), and Unprofessional Conduct (a 20 percent increase). The most significant decreases occurred in the categories of Investigative Violations (a 28.2 percent decrease), Unauthorized Release of Information (a 25 percent decrease), and Breach of Security (a 20.3 percent decrease).

Type of Misconduct	Number of Reported Allegations				% Change from FY 2009
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL	
Other On-Duty Misconduct	597	658		1255	8.4
Unprofessional Conduct	574	584		1158	20.0
Abuse of Inmates	996			996	11.2
Personnel Prohibitions		589	69	658	-2.7
Off-Duty Misconduct			561	561	9.8
Introduction of Contraband	481	64		545	-5.9
Failure to Follow Policy	293	252		545	-18.2
Inappropriate Relationship with Inmates	541			541	1.7
Fiscal Improprieties	85	443		528	-18.6
Inattention to Duty	195	235		430	2.1
Sexual Abuse of Inmates	413			413	23.3
Breach of Security	170	242		412	-20.3
Bribery	162	0		162	-6.4
Unauthorized Release of Information	77	31		108	-25.0
Investigative Violations		89		89	-28.2
Discrimination	20	2		22	22.2

USA Patriot Act

In the USA Patriot Act, Congress expressed concern about the potential abuse of individual civil rights and liberties by DOJ employees in the aftermath of September 11, 2001. Accordingly, the

Reported Misconduct

Patriot Act mandated that the OIG widely advertise that it receives and investigates allegations of such abuses. Patriot Act violations include violence, discrimination, or threats on the part of a DOJ employee, particularly when such cases are directed toward individuals or groups associated in the public perception with acts of terrorism because of their religious beliefs, place of birth, or appearance. Patriot Act allegations which typically come to our attention are 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 then referred to a Special Operations Unit at OIG Headquarters devoted to reviewing and investigating such misconduct.

Of the 4,570 cases opened during Fiscal Year 2010, 20 cases involved Patriot Act violations. As of September 30, 2010, 16 cases remained open pending investigation, and 4 cases were closed. One allegation was sustained. A Correctional Services employee sent an inappropriate e-mail via GroupWise to other staff regarding President Barack Obama's refusal to salute the American flag. The employee was suspended for one day.

Closed/Sustained Misconduct

NOTES

All figures in this section relate to cases which were opened during Fiscal Year 2010 and were closed as of September 30, 2010. Figures are subject to change as additional cases are closed.

Please refer to the appendices section of this report for the types of misconduct sustained against BOP employees in cases opened during Fiscal Year 2009.

As of September 30, 2010, a decision had been made on 1,520 (33.3 percent) of the 4,570 cases opened during Fiscal Year 2010. The remaining 3,050 cases (66.7 percent) were still open and being investigated. Of the 1,520 cases closed, the majority (1,394 or 91.7 percent) were investigated at the institution level with authorization and monitoring provided by the OIA. Of the cases 1,394 cases closed, 85 were OIA on-site investigations (5.6 percent), and 41 (2.7 percent) were investigated by the OIG.

Of the 1,520 cases closed, 451 (29.7 percent) were sustained. Misconduct was sustained against 334 BOP employees, 6 contract employees working in BOP facilities, 1 PHS

employee working in a BOP facility, 1 volunteer working in a BOP facility, 72 contract/halfway house employees, and 74 employees working in privatized facilities.

BOP Employees

There were 5,508 BOP employees identified as misconduct subjects in cases opened during Fiscal Year 2010. As of September 30, 2010, a decision had been made for 29.5 percent of those employees. Of the 29.5 percent (or 1,625 employees), 20.6 percent (334) had a sustained decision (a rate of .9 employees per 100 total BOP staff).

Of the 5,508 BOP employees for whom a case was opened during Fiscal Year 2010, 244 were unidentified.

Table 2 (on the following page) reflects the categories of misconduct sustained against BOP employees with a sustained decision as of September 30, 2010. The most frequently sustained category of misconduct was Personnel Prohibitions (within this category Absent Without Leave was sustained with the greatest frequency), followed by Unprofessional Conduct and Other On-Duty Misconduct.

Closed/Sustained Misconduct

**Table 2: Types of Sustained Misconduct for BOP Employees - FY 2010
With 29.5 Percent Closed**

Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Personnel Prohibitions		59	7	66
Unprofessional Conduct	10	50		60
Other On-Duty Misconduct	13	40		53
Failure to Follow Policy	21	23		44
Off-Duty Misconduct			37	37
Fiscal Improprieties	4	30		34
Inattention to Duty	5	28		33
Inappropriate Relationship with Inmates	30			30
Breach of Security	5	22		27
Introduction of Contraband	11	8		19
Investigative Violations		6		6
Unauthorized Release of Information	1	3		4
Sexual Abuse of Inmates	4			4
Bribery	2	0		2
Abuse of Inmates	1			1
Discrimination	0	0		0

- **Disciplinary Action**

Once a subject is investigated and the allegations are sustained, the type of disciplinary action taken is left to the deciding official, who is generally the CEO. Each case is unique, and there are varying degrees of seriousness within each type of misconduct. Also, a single subject may be charged with multiple types of misconduct. The Douglas Factors must be considered when deciding the appropriate penalty to impose on employees for misconduct.

The Douglas Factors are an accumulation of historic Civil Services practices and procedures in cases involving civil servant misconduct, created by the Merit Systems Protection Board (MSPB) in the seminal Douglas case. In Douglas, 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 Douglas Factors are as follows:

- the nature and seriousness of the offense;

Closed/Sustained Misconduct

- 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 3420.09, 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. In many cases, some of the Douglas Factors may suggest one type of penalty while others suggest another penalty. It is for the CEO to choose the appropriate penalty.

Closed/Sustained Misconduct

The following actions were taken against (or by) those BOP employees with a sustained decision.

Written Reprimand.....	84
Suspension	81
No Action.....	59
Resignation	58
Termination.....	18
Combined with Action in Another OIA Matter	15
Retirement.....	12
Oral Reprimand.....	5
Reassignment	1
Demotion.....	1

The specific types of misconduct most frequently sustained against those individuals for whom no disciplinary action was taken were Unprofessional Conduct (16.4 percent of all sustained misconduct for staff in this group), Failure to Follow Policy (12.3 percent) and Absent Without Leave (11 percent).

- **Gender**

There were 4,114 male BOP employees identified as misconduct subjects in Fiscal Year 2010. As of September 30, 2010, a decision had been made for 29.8 percent of those 4,114 male employees. Of the 29.8 percent (or 1,224 male employees), 19.4 percent (237) had a sustained decision (a rate of .9 employees per 100 total male BOP staff).

There were 1,150 female BOP employees identified as misconduct subjects in Fiscal Year 2010. As of September 30, 2010, a decision had been made for 29.9 percent of those 1,150 female employees. Of the 29.9 percent (or 344 female employees), 28.2 percent (97) had a sustained decision (a rate of .9 employees were 100 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 September 30, 2010. The most frequently sustained category of misconduct among male staff was Unprofessional Conduct (16.1 percent of all sustained misconduct by male staff. The most frequently sustained category of misconduct among female staff was Personnel Prohibitions (20.1 percent of all sustained misconduct by female staff).

Closed/Sustained Misconduct

Table 3: Types of Sustained Misconduct for Male BOP Employees - FY 2010 With 29.8 Percent Closed					
Type of Misconduct	Number of Sustained Allegations				
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL	% of Total ¹
Unprofessional Conduct	8	38		46	16.1
Personnel Prohibitions		33	6	39	13.6
Other On-Duty Misconduct	10	26		36	12.6
Failure to Follow Policy	17	16		33	11.5
Fiscal Improprieties	3	25		28	9.8
Off-Duty Misconduct			27	27	9.4
Inattention to Duty	5	21		26	9.1
Breach of Security	3	18		21	7.3
Inappropriate Relationship with Inmates	11			11	3.8
Introduction of Contraband	5	5		10	3.5
Investigative Violations		3		3	1.0
Sexual Abuse of Inmates	2			2	.7
Unauthorized Release of Information		2		2	.7
Abuse of Inmates	1			1	.3
Bribery	1	0		1	.3
Discrimination	0	0		0	0

¹Those items highlighted in red occurred with greater frequency among male staff than among female staff.

Closed/Sustained Misconduct

**Table 4: Types of Sustained Misconduct for Female BOP Employees - FY 2010
With 29.9 Percent Closed**

Type of Misconduct	Number of Sustained Allegations				
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL	% of Total ¹
Personnel Prohibitions		26	1	27	20.1
Inappropriate Relationship with Inmates	19			19	14.2
Other On-Duty Misconduct	3	14		17	12.7
Unprofessional Conduct	2	12		14	10.4
Failure to Follow Policy	4	7		11	8.2
Off-Duty Misconduct			10	10	7.5
Introduction of Contraband	6	3		9	6.7
Inattention to Duty	0	7		7	5.2
Fiscal Improprieties	1	5		6	4.5
Breach of Security	2	4		6	4.5
Investigative Violations		3		3	2.2
Sexual Abuse of Inmates	2			2	1.5
Unauthorized Release of Information	1	1		2	1.5
Bribery	1	0		1	.7
Abuse of Inmates	0			0	0
Discrimination	0	0		0	0

¹Those items highlighted in red occurred with greater frequency among female staff than among male staff.

Closed/Sustained Misconduct

- **Job Discipline**

As of September 30, 2010, 334 BOP employees identified as misconduct subjects during Fiscal Year 2010 had a sustained decision. Table 5 reflects the rate of misconduct among the various job disciplines.

Discipline	Number of Employees with Sustained Misconduct	Total Employees	Rate per 100 Total Employees
Computer Services	6	235	2.6
Records/Inmate Systems	13	1,031	1.3
Correctional Services	180	16,809	1.1
Health Services/Safety	28	2,610	1.1
Inmate Services	2	194	1.0
Central Office	13	1,257	1.0
Food Service	15	1,621	.9
Facilities	19	2,405	.8
UNICOR	8	1,173	.7
CEO's Office & Staff	6	941	.6
Unit Management	19	3,171	.6
Religious Services	2	314	.6
Community Corrections	1	172	.6
Recreation	4	751	.5
Business Office	9	1,673	.5
Education & Vocational Training	4	1,046	.4
Psychology Services	4	1,061	.4
Human Resources	1	415	.2
Staff Training Centers/NIC	0	131	0

The most frequently sustained type of misconduct among Computer Services staff was Absent Without Leave (50 percent of the total sustained misconduct among staff in this group). The most frequently sustained type of misconduct among Records/Inmate Systems staff was Unprofessional Conduct (23.1 percent of the total sustained misconduct among staff in this group).

Closed/Sustained Misconduct

- **Bargaining vs. Non-Bargaining Unit Staff**

There were 4,109 employees in the bargaining unit identified as misconduct subjects in Fiscal Year 2010. As of September 30, 2010, a decision had been made for 29 percent of those 4,109 bargaining unit employees. Of the 29 percent (or 1,193 bargaining unit employees), 23.4 percent (or 279 bargaining unit employees) had a sustained decision (a rate of .9 employees per 100 total bargaining unit employees).

There were 1,155 non-bargaining unit employees identified as misconduct subjects in Fiscal Year 2010. As of September 30, 2010, a decision had been made for 32.5 percent of those 1,155 non-bargaining unit employees. Of the 32.5 percent (or 375 non-bargaining unit employees), 14.7 percent (or 55 non-bargaining unit employees) had a sustained decision (a rate of .9 employees per 100 total non-bargaining unit employees).

Contract/Halfway House Employees

There were 271 contract/halfway house employees identified as misconduct subjects in Fiscal Year 2010. As of September 30, 2010, a decision had been made for 61.3 percent of those 271 employees. Of the 61.3 percent (or 166 employees), 43.4 percent (72) had a sustained decision. It is significant to note that an administrative disposition was recorded for 34.3 percent of those employees for whom a decision had been made, indicating the employee either resigned or their employment was terminated prior to an investigation being conducted. Thus, the 43.4 percent sustained rate is likely an extremely conservative figure.

Table 6 (on the following page) provides a breakdown of the types of misconduct sustained against contract/halfway house employees. The most frequently sustained category of misconduct was Inappropriate Relationships with Inmates, which made up 30 percent of all sustained misconduct among this group.

Closed/Sustained Misconduct

**Table 6: Types of Sustained Misconduct for Contract/Halfway House Employees - FY 2010
With 61.3 Percent Closed**

Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Inappropriate Relationship with Inmates	27			27
Other On-Duty Misconduct	7	8		15
Off-Duty Misconduct			10	10
Personnel Prohibitions		6	3	9
Inattention to Duty	5	3		8
Unprofessional Conduct	6	1		7
Sexual Abuse of Inmates	5			5
Investigative Violations		5		5
Introduction of Contraband	1	0		1
Fiscal Improprieties	0	1		1
Breach of Security	1	0		1
Failure to Follow Policy	1	0		1
Abuse of Inmates	0			0
Discrimination	0	0		0
Bribery	0	0		0
Unauthorized Release of Information	0	0		0

Staff in Privatized Facilities

There were 180 employees working in privatized facilities identified as misconduct subjects during Fiscal Year 2010. As of September 30, 2010, a decision had been made for 74.4 percent of those 180 employees. Of the 74.4 percent (or 134 employees), 55.2 percent (74) had a sustained decision.

Table 7 (on the following page) 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 Inappropriate Relationships with Inmates, which made up 26.9 percent of all misconduct among this group.

Closed/Sustained Misconduct

**Table 7: Types of Sustained Misconduct for Staff in Privatized Facilities - FY 2010
With 74.4 Percent Closed**

Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Inappropriate Relationship with Inmates	28			28
Other On-Duty Misconduct	9	8		17
Unprofessional Conduct	8	3		11
Abuse of Inmates	8			8
Introduction of Contraband	4	3		7
Investigative Violations		7		7
Breach of Security	6	0		6
Sexual Abuse of Inmates	4			4
Fiscal Improprieties	1	3		4
Personnel Prohibitions		3	1	4
Failure to Follow Policy	3	0		3
Bribery	2	0		2
Unauthorized Release of Information	2	0		2
Inattention to Duty	1	0		1
Discrimination	0	0		0
Off-Duty Misconduct			0	0

Contract Employees and Volunteers Working in BOP Facilities

There were 30 contract staff and 2 volunteers working in BOP facilities identified as misconduct subjects during Fiscal Year 2010.

As of September 30, 2010, a decision had been made for 33.3 percent of the 30 contract employees. Of the 33.3 percent (or 10 contract employees), 6 percent (6) had a sustained decision. Two allegations of Introduction of Contraband were sustained, and one allegation each of Abuse of Inmates, Bribery, Investigative Violations, Breach of Security, and Unprofessional Conduct were sustained.

As of September 30, 2010, a decision had been made for both volunteers. One volunteer had a sustained decision. Introduction of Contraband was sustained against that individual.

Closed/Sustained Misconduct

PHS Employees Working in BOP Facilities

Of the approximately 792 PHS employees working in BOP facilities, 52 were identified as misconduct subjects during Fiscal Year 2010 (or 6.6 per 100 PHS employees). As of September 30, 2010, a decision had been made for 28.8 percent of those 52 PHS employees. Of the 28.8 percent (or 15 PHS employees), 6.7 percent (1) had a sustained decision, for a sustained rate of .1 per 100 PHS employees. The employee was convicted of Sexual Abuse of a Ward and sentenced to 5-months incarceration, 5-months home detention, 5-years supervised release, and a \$3,000 fine.

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; and 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 2010, 689 allegations of Physical Abuse of Inmates were either reported to the OIA or detected during the course of an investigation. As of September 30, 2010, a decision had been made for 40.5 percent (or 279) of those allegations. Physical Abuse allegations 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). Six allegations of Physical Abuse have been sustained to date, all

Physical Abuse of Inmates

resulting in minor/no injury (harassment) to the inmate. One of the sustained allegations involved a male Correctional Services employee. The remaining 5 allegations involved staff in privatized facilities. None of the subjects with sustained allegations were 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 or 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 U.S.C. 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 2010, 545 allegations of Introduction of Contraband were either reported or detected during the course of an investigation. As of September 30, 2010, a decision had been made for 32.1 percent (or 175) of those allegations. Thirty allegations of Introduction of Contraband have been sustained to date:

Type of Contraband	Inmate Related	Non Inmate Related
Soft Item	10	2
Weapons	0	2
Drugs (Vicoden)	0	1
Alcohol	1	0
Unauthorized Electronic Device	2	8
Cigarettes/Tobacco	4	0

Introduction of Contraband

Twenty-eight individuals were involved in the sustained allegations of Introduction of Contraband. Eighteen of these individuals were BOP employees (9 were male Correctional Services employees, 3 were female Correctional Services employees, 1 was a male Facilities employee, 1 was a female Facilities employee, 1 was a female Recreation employee, 1 was a female Business Office employee, 1 was a female Psychology Services employee, and 1 was a female Health Services/Safety employee). Six of these individuals worked in privatized facilities, 2 were contract employees working in BOP facilities, 1 was a volunteer working in a BOP facility, and 1 was a contract/halfway house employee.

A male Correctional Services employee was arrested following two joint OIG and FBI undercover operations during which he accepted \$1,000 for the prior introduction of alcohol and \$2,500 for the pending introduction of cocaine. He pled guilty to one count of Bribery of a Public Official and was sentenced to 18-months incarceration and 24-months supervised release.

A female contract employee working in a BOP facility accepted a \$350 wire transfer in exchange for providing an inmate with six packs of cigarettes. She pled guilty to Introducing Contraband Into a Federal Prison and was sentenced to 12-months probation and ordered to pay a \$1,200 fine.

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 Attorney General, 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 or 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 Attorney General, 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 or 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 Attorney General, 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 Attorney General, 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 Attorney General, 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 2241 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 Attorney General, 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 involving 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, or 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, or 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, or 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

Sexual Abuse of Inmates

an offense; following a charge or conviction of an offense, or an allegation or finding of 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, or parole, or after release following a juvenile delinquency.

- **Statistics**

During Fiscal Year 2010, 413 allegations of Sexual Abuse were either reported to the OIA or detected during the course of an investigation. Of the 413 allegations, 310 involved BOP employees, 2 involved contract employees working in BOP facilities, 3 involved PHS employees working in BOP facilities, 73 involved staff working on contract/halfway house facilities, and 26 involved staff working in privatized facilities.

The types of allegations reported with the most frequency were Sexual Abuse/Sexual Abuse of a Ward between female staff and male inmates (78 reported allegations), Abusive Sexual Contact between male staff and male inmates (74 reported allegations), and Unprofessional Conduct of a Sexual Nature between male staff and male inmates (66 reported allegations).

As of September 30, 2010, 13 allegations of sexual abuse reported during Fiscal Year 2010 were sustained. Of the 14 allegations, 4 involved BOP employees, 1 involved a PHS employee working in a BOP facility, 5 involved staff working in contract/halfway house facilities, and 3 involved staff working in privatized facilities. One hundred ninety one allegations reported during Fiscal Year 2010 are pending.

Sexual Abuse/Sexual Abuse of a Ward - Male Staff/Female Inmate

- Sexual Abuse/Sexual Abuse of a Ward between a male Correctional Services employee at FDC Houston and two female inmates. This matter was investigated by the OIG. The subject admitted having a sexual relationship with one of the inmates while she was designated to a contract/halfway house facility. The subject further admitted he financially supported the inmate by paying her bills and buying her clothing and other items. The subject also admitted he met with another inmate on at least three separate occasions while she was designated to a treatment facility. The subject admitting kissing the inmate and giving her money. The U.S. Attorney's Office declined prosecution in this

Sexual Abuse of Inmates

matter. However, the Howard County, Texas, District Attorney's Office charged the subject with Improper Sexual Activity With a Person in Custody. The charges were ultimately dismissed. The subject resigned his employment. (OIA-2010-00253/OIG 2010000535)

- Sexual Abuse/Sexual Abuse of a Ward between a male PHS employee at FCI Tallahassee and a female inmate. This matter was investigated by the OIG. The victim alleged the subject sexually assaulted her while she was in the dental clinic at FCI Tallahassee. The victim provided investigators with a shirt which allegedly contained the subject's semen. DNA testing confirmed the subject's semen was present on the shirt. The subject admitted having sexual relations with the inmate, but he denied sexually assaulting her. The subject was convicted of Sexual Abuse of a Ward and sentenced to 5-months incarceration, 5-months home detention, and 5-years supervised release. He was also fined \$3,000. The subject's employment was terminated. (OIA-2010-01312/OIG 2010002800)
- Sexual Abuse/Sexual Abuse of a Ward between a male employee at a contract/halfway house facility and a female inmate. This matter was investigated by the OIG. The subject admitted having sexual relations with the inmate in a motel. He also admitted communicating with the inmate via cellular telephone while she was housed at the halfway house. The U.S. Attorney's Office declined prosecution because the sexual act occurred outside the halfway house. The subject resigned his employment. (OIA-2010-01658/OIG 2010003474)

Abusive Sexual Contact - Male Staff/Female Inmate

- Abusive Sexual Contact between a male Correctional Services employee at FDC Seatac and a female inmate. This matter was investigated by the OIG. The subject admitted he and the inmate hugged on multiple occasions, held hands, kissed, and fondled each other's buttocks and hips. The subject also provided the victim with contraband during her incarceration at FDC Seatac, and he visited her at a detention facility after her transfer from FDC Seatac. The subject paid \$1,500 of the victim's legal fees and put money in her telephone account at the detention facility. The U.S. Attorney's Office declined prosecution. The subject resigned his employment. (OIA-2010-01461/OIG 2010002887)

Abusive Sexual Contact - Male Staff/Male Inmate

- Abusive Sexual Contact between a male employee at a contract/halfway house facility and a male inmate. The subject admitted he allowed the inmate to touch his penis through his pants. The U.S. Attorney's Office declined prosecution. The state of

Sexual Abuse of Inmates

Montana also declined prosecution, citing the U.S. Attorney's Office declination. The subject's employment was terminated. (OIA-2010-01266/OIG 2010002783)

Abusive Sexual Contact - Female Staff/Male Inmate

- Abusive Sexual Contact between a female Correctional Services employee at FCC Victorville and a male inmate. This matter was investigated by the OIG. The subject admitted that on approximately four occasions she and the inmate held hands and kissed, and she permitted the inmate to fondle her breasts. The subject also admitted introducing contraband (cigarettes, a screwdriver set, dice, letters and cards, and nude photographs of herself) to the inmate. The U.S. Attorneys Office declined prosecution. The subject resigned her employment. (OIA-2010-01878/OIG 2010003856)
- Abusive Sexual Contact between a female employee at the Adams County Correctional Center and a male inmate. The OIG deferred this matter to the BOP for administrative resolution. The subject admitted she kissed the inmate several times, and she allowed the inmate to fondle her breasts and buttocks. The subject's employment was terminated. (OIA-2010-02813/OIG 2010006175)

Unprofessional Conduct of a Sexual Nature - Male Staff/Female Inmate

- Unprofessional Conduct of a Sexual Nature between a male employee at a contract/halfway house facility and a female inmate. The OIG deferred this matter to the BOP for administrative resolution. When the inmate walked past the subject and commented that it was a nice, warm day, the subject stated, "Yeah, it would be nice if we were on the beach naked." The subject was suspended for three days. (OIA-2010-02575/OIG 2010005579)

Unprofessional Conduct of a Sexual Nature - Male Staff/Male Inmate

- Unprofessional Conduct of a Sexual Nature between a male employee at a contract/halfway house facility and a male inmate. The OIG deferred this matter to the BOP for administrative resolution. When the victim told the subject things went awry when he relocated, the subject asked the inmate, "Is that when you tried to make a little girl suck your dick?" The subject's employment was terminated. (OIA-2010-03171/OIG 2010007902)

Unprofessional Conduct of a Sexual Nature -Female Staff/Male Inmate

- Unprofessional Conduct of a Sexual Nature between a female employee at the Cibola County Correctional Center and a male inmate. The OIG deferred this matter to the BOP for administrative resolution. The subject admitted she held hands with the inmate and

Sexual Abuse of Inmates

they hugged and kissed on approximately 40 occasions. The subject resigned her employment (OIA-2010-00052/OIG 2010000214)

- Unprofessional Conduct of a Sexual Nature between a female employee at a contract/halfway house facility and male inmates. The OIG deferred this matter to the BOP for administrative resolution. During a conversation with male inmates, the subject described in detail how she performs oral sex on her girlfriend. The subject's employment was terminated. (OIA-2010-01458/OIG 2010003045)
- Unprofessional Conduct of a Sexual Nature between a female Correctional Services employee at MDC Brooklyn and a male inmate. This matter was investigated by the OIG. The subject admitting hugging and kissing the inmate and spending significant amounts of time with the inmate while the subject was on duty. The subject also admitted she accepted money from the inmate. Prosecution was not contemplated. The subject resigned her employment. (OIA-2010-03414/OIG 2010007492)
- Unprofessional Conduct of a Sexual Nature between a female employee at the Cibola County Correctional Center and a male inmate. The OIG deferred this matter to the BOP for administrative resolution. The subject admitted exchanging letters with the inmate in which they discussed their sexual fantasies. The subject resigned her employment. (OIA-2010-03827/OIG 2010008884)

Representative Case Summaries

Use/Abuse of Illegal Drugs/Alcohol

A Correctional Services employee was randomly selected to provide a urine sample in accordance with the Drug Free Workplace Program. The urine sample tested positive for the use of marijuana. The employee denied he knowingly used marijuana. He stated he consumed some cookies while at his brother's house, and after testing positive for the use of marijuana, he learned the cookies contained marijuana. The Correctional Services employee's employment was terminated. (OIA-2010-01131)

Inappropriate Supervisor/Subordinate Employee

A Correctional Services employee admitted he engaged in inappropriate conduct with a subordinate. Specifically, the employee admitted he and his subordinate kissed, took their children on family outings together, and talked about vacationing together. The employee also admitted he visited his subordinate at her house and performed work for her. The Correctional Services employee was demoted. (OIA-2010-00065)

Unprofessional Conduct

An inmate alleged that while he was waiting in line to get his commissary items, a Business Office employee treated the inmate unprofessionally. The employee admitted he told the inmate, "You can take your fucking happy ass over there, and I will give it to you when I feel like it." The employee also admitted that when the inmate was slow in putting commissary items in his bag, the employee told the inmate, "You want to play the slow game? I could play the slow game." The Business Office employee received a written reprimand. (OIA-2010-00370)

Failure to Properly Supervise Inmates; Breach of Security

An Assistant Food Service Administrator observed an inmate running through Food Service with onions. The inmate told the Assistant Food Service Administrator he took the onions from the Food Service warehouse. The Assistant Food Service Administrator went to the warehouse and found the door unsecured. She witnessed a Cook Supervisor alone in the Cook Supervisors' office, not monitoring the activities in the warehouse. The Cook Supervisor stated he was unaware there were unauthorized in the warehouse or that food was being stolen. The Cook Supervisor received a written reprimand. (OIA-2010-01219)

Misuse of Travel Charge Card

A Computer Services employee used her travel charge card to make ATM withdrawals during a period when she was not on official travel. Further, the employee failed to pay the travel charge card in full. Disciplinary action in this matter was combined with disciplinary action in two

Representative Case Summaries

other matters in which misconduct was sustained against the Computer Services employee. She was suspended for 15 days. (OIA-2010-00630)

Improper Contact With an Inmate/Inmate's Family

A Records/Inmate Systems employee used his personal cellular telephone to call and send text messages to an inmate's wife. The employee stated the inmate's wife called the institution numerous times inquiring about her husband's self-surrender. The employee stated he felt sorry for the inmate's wife, and after the inmate self-surrendered, he called the inmate's wife to assure her the inmate was processed into the institution without complication. The employee stated he was intoxicated at the time. He further stated he later sent the inmate's wife a text message related to football while intoxicated. Further, the employee called the inmate's wife twice more, but she did not answer. The Records/Inmate Systems employee received a written reprimand. (OIA-2010-00589)

An inmate gave an employee at a privatized facility his cousin's telephone number. The employee and the inmate would call the inmate's cousin and engage in three-way conversations. The employee's employment was terminated. (OIA-2010-04419)

Preferential Treatment of Inmates

A UNICOR employee accepted institution clothing from an inmate who was being transferred. The employee packed the clothing in a box and placed in on a UPS truck going to the institution where the inmate was being transferred. The UNICOR employee received a written reprimand. (OIA-2010-00420)

Interfering With/Impeding an Investigation

A Correctional Services employee contacted an employee who was questioned during the course of an OIA investigation in which the Correctional Services employee was identified as a subject. The Correctional Services employee tried to coerce the other employee into changing her account of the incident. The Correctional Services employee was suspended for one day. (OIA-2010-00141)

Inattention to Duty

A used syringe was found on the floor of the Administrative Detention sallyport. Review of the nursing staff schedule determined a Health Services employee conducted insulin pill line around the time of the incident. Video surveillance confirmed the Health Services employee entered the Administrative Detention range and conducted insulin pill line minutes before the syringe was discovered. Further, a review of the Syringe Dispensing Machine revealed the Health Services employee checked out three syringes around the time of the incident. The Health Services

Representative Case Summaries

employee was the only medical staff member observed on the range around the time of the incident. The Health Services employee received a written reprimand. (OIA-2010-00239)

Breach of Computer Security; Unauthorized Release of Information

A Health Services employee created a rule in GroupWise which forwarded all her messages, including sensitive but unclassified information, to other institution staff who did not have a need to know. The rule also forwarded the messages to the Health Services employee's personal e-mail address. The Health Services employee retired prior to disciplinary action being taken. (OIA-2010-02261)

Failure to Follow Supervisor's Instructions

A Religious Services employee was twice issued direct orders to prepare a memorandum regarding an incident which occurred earlier that day prior to leaving the institution. The Religious Services employee did not provide the memorandum as instructed. She was suspended for one day. (OIA-2010-00695)

Breach of Security

A six-inch ribbon cutting tool was missing from the ceramic cage in Recreation. A search of the area and the inmates assigned to the ceramics shop was met with negative results. A Recreation employee admitted he left the cage unsecured and left the area. The employee received a written reprimand. (OIA-2010-00344)

Failure to Follow Policy

A Facilities employee instructed an inmate detail to disassemble an ATV valued at approximately \$5,000 so the spare parts could be used to repair two other ATVs maintained at the institution. The ATV was obtained at no cost and was intended to be used for spare parts. However, the employee failed to ensure the ATV was removed from his accountable property inventory prior to having it disassembled, and he signed the accountable property inventory stating the ATV was missing. The Facilities employee received a written reprimand. (OIA-2010-00110)

Misuse of Government Computers

A Correctional Services employee sent an e-mail to all staff at the institution in which he referred to staff as "chumps" for not speaking up when needed. The Correctional Services employee also made derogatory remarks about an employee who was recently promoted. The Correctional Services employee was suspended for one day. (OIA-2010-01068)

Representative Case Summaries

Offering/Giving Anything of Value to an Inmate

An employee at a contract/halfway house facility purchased two pizzas as a reward for inmates who buffed and waxed the floors throughout the facility. The employee was suspended for three days. (OIA-2010-02283)

Significant Prosecutions

Following are brief summaries of some of the significant or noteworthy prosecutions which were completed during Fiscal Year 2010. The individuals referenced are no longer employed by the BOP or any BOP contractor.

- During an FBI investigation, a Correctional Services employee admitted beating an inmate when the inmate was handcuffed, lying chest down on the ground, and under the physical control of two other staff. The inmate suffered multiple fractures to his left eye socket and left cheekbone as a result of the Correctional Services employee's excessive use of force. The Correctional Services employee was convicted of Deprivation of Rights Under Color of Law and sentenced to twenty-eight months incarceration and two years supervised release. (OIA-2003-04191/OIG 2003008904)
- During an OIG undercover operation, a Correctional Services employee accepted two ounces of marijuana and \$1,000 from an undercover agent posing as a friend of an inmate. The Correctional Services employee was convicted of Introduction of Contraband and sentenced to five years incarceration. (OIA-2005-03181/OIG 2005005724)
- An inmate's girlfriend contacted the FBI alleging her boyfriend had information regarding a staff member who was introducing tobacco and narcotics into the institution for another inmate. The inmate was interviewed by the OIG, and he verified a Facilities employee provided him with tobacco and narcotics. The Facilities employee was convicted of Providing Contraband in Prison and sentenced to six months home confinement and two-years probation. (OIA-2005-04268/OIG 2006000071)
- Following a contract/halfway house employee's resignation, it was discovered over \$18,000 in subsistence and money orders was missing. An OIG investigation determined the contract/halfway house employee was responsible for the theft and for cashing five inmate money orders totaling \$461. The U.S. Attorney's Office declined prosecution, but the contract/halfway house employee was prosecuted by local authorities. She was convicted of Theft and sentenced to one-day incarceration. (OIA-2007-00064/OIG 2007000126)
- An OIG investigation determined a Correctional Services employee received over \$20,000 from an inmate's wife in exchange for introducing tobacco into the institution. The Correctional Services employee was convicted of Extortion and sentenced to four years incarceration and two years supervised release. (OIA-2007-00575/OIG 2007002068)
- An OIG investigation determined a Facilities employee stole a control valve he ordered using his government-issued charge card and a tool bit set from the machine shop. The Facilities employee was convicted of Theft of Government Property and sentenced to two

Significant Prosecutions

years probation. He was also ordered to pay restitution to the BOP in the amount of \$2,242.40. (OIA-2007-01454/OIG 2007002986)

- During an OIG investigation, a Food Service employee admitted that on six separate occasions he smuggled contraband items into the institution, including tobacco, knives, razor blades, a cellular telephone, and drugs. The Food Service employee was paid \$2,400 in bribes for introducing the contraband. He was convicted of Conspiracy to Possess Contraband in Prison and sentenced to 180 days home confinement and five years probation. He was also ordered to pay a \$3,450 fine. (OIA-2007-04191/OIG 2007008781)
- A joint investigation by the Office of Labor Racketeering and Fraud Investigations and the OIG determined a Correctional Services employee knowingly submitted 74 fraudulent claims for medical travel refunds totaling \$11,595.76. The Correctional Services employee was convicted of False Statements to Obtain Federal Employee Compensation Benefits. He was sentenced to four years probation and ordered to pay \$11,602.50 in restitution. (OIA-2008-04276/OIG 2008009303)
- An OIG investigation revealed a Business Office employee stole funds from BOP imprest fund accounts. She then stole money from inmate accounts to cover the money she had previously stolen from the imprest fund accounts. The Business Office employee was convicted of Theft of Government Funds and Falsifying Records. She was sentenced to five years probation and ordered to pay \$9,263.59 in restitution. (OIA-2009-02052/OIG 2009004146)
- A joint OIG and FBI investigation revealed a Food Service employee received over \$145,000 in compensation for overtime hours she did not work. The employee would create a time sheet showing no overtime worked for her supervisor to approve, and then re-access the system to add the false overtime hours. The Food Service employee was convicted of Theft of Government Funds. She was sentenced to five months incarceration, five months home confinement, and three years supervised release. She was also ordered to pay \$100,000 in restitution, half of which was due within 14 days of her plea. (OIA-2009-02229/OIG 2009004501)
- An OIG investigation revealed a Correctional Services employee used his travel charge card to make approximately fifty unauthorized transactions totaling \$4,869.19. The employee stated he used the money to support his addiction to the Oxycotin. The Correctional Services employee was convicted of Theft of Government Money and sentenced to three years supervised release. He was also ordered to pay \$4,869.19 in restitution. (OIA-2009-02596/OIG 2009005205)

Types of Sustained Misconduct for BOP Employees – FY 2009				
With * % Closed				
Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Fiscal Improprieties	18	223		241
Other On-Duty Misconduct	57	180		237
Failure to Follow Policy	103	122		225
Unprofessional Conduct	45	161		206
Personnel Prohibitions		191	4	195
Inattention to Duty	89	81		170
Off-Duty Misconduct			166	166
Breach of Security	67	54		121
Inappropriate Relationship with Inmates	73			73
Introduction of Contraband	39	24		63
Investigative Violations		43		43
Abuse of Inmates	24			24
Unauthorized Release of Information	8	12		20
Bribery	12	2		14
Sexual Abuse of Inmates	10			10
Discrimination	0	0		0