

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

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## Office of Internal Affairs Report for Fiscal Year 2011



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## Executive Summary of Findings

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- There was a 4.6 percent increase in the number of cases opened in Fiscal Year 2011 as compared with Fiscal Year 2010. The rate of reported misconduct among BOP employees stayed the same, however.
- Cases classified as Classification 3 offenses showed a 13.5 percent increase over those cases opened in Fiscal Year 2010, while Classification 1 and 2 offenses showed a decrease (3.4 percent and 2.2 percent, respectively).
- The most frequently reported type of misconduct in Fiscal Year 2011 was Unprofessional Conduct. Other On-Duty Misconduct and Abuse of Inmates placed second and third, respectively.
- The only categories of misconduct which showed an increase from Fiscal Year 2010 were Discrimination, Failure to Follow Policy, Personnel Prohibitions, and Breach of Security. The most significant decreases occurred in the categories of Bribery, Inattention to Duty, and Off-Duty Misconduct.
- During Fiscal Year 2011, 33 cases involving Patriot Act Violations were opened. As of September 30, 2011, 19 cases remained open pending investigation, and 14 cases were closed. No allegations of misconduct were sustained.
- As of September 30, 2011, a decision had been made for 28.2 percent of the 5,570 BOP employees identified as misconduct subjects in Fiscal Year 2011. Of the 28.2 percent, 18.9 percent had a sustained decision, a rate of .8 employees were 100 total BOP staff).
- The most frequently sustained category of misconduct among BOP employees with a sustained decision as of September 30, 2011, was Personnel Prohibitions, followed by Unprofessional Conduct and Off-Duty Misconduct.
- The sustained rate of misconduct for male BOP employees for whom a decision had been made as of September 30, 2011, was .9 employees per 100 total male BOP staff, while the sustained rate of misconduct for female BOP employees for whom a decision had been made as of September 30, 2011, was .7 employees per 100 total female BOP staff.
- The most frequently sustained category of misconduct among male BOP employees with a sustained decision as of September 30, 2011, was Personnel Prohibitions, while the most frequently sustained category of misconduct among female BOP employees with a sustained decision as of September 30, 2011, was Inappropriate Relationship with Inmates.
- For those BOP employees with a sustained decision as of September 30, 2011, the rate was highest among Religious Services staff (1.5 per 100 total Religious Services staff. Although the absolute number of sustained decisions was low (i.e., 5), the per capita rate

## Executive Summary of Findings

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

- For those BOP employees with a sustained decision as of September 30, 2011, the rate was slightly higher for bargaining unit employees than for non-bargaining unit employees (.8 employees per 100 total bargaining unit staff vs. .7 employees per 100 total non-bargaining unit staff).
- For those contract/halfway house employees with a sustained decision as of September 30, 2011, the most frequently sustained category of misconduct was Inappropriate Relationship with Inmates. This was also true for those staff in privatized facilities with a sustained decision as of September 30, 2011.
- As of September 30, 2011, two allegations of Physical Abuse reported during Fiscal year 2011 were sustained, both resulting in minor/no injury (harassment) to the inmate. One of the sustained allegations involved a male Correctional Services employee, and one involved a staff member working in a privatized facility. Neither of the subjects with a sustained allegation was criminally prosecuted.
- As of September 30, 2011, 26 allegations of Introduction of Contraband reported during Fiscal Year 2011 were sustained, involving 24 individuals. Eleven involved the introduction of soft contraband, 10 involved the introduction of unauthorized electronic devices, 3 involved the introduction of weapons, and 1 each involved the introduction of marijuana and creatine/weightlifting supplements. A male employee at a privatized facility was arrested by local authorities. The individual's employment was terminated before the case could be adjudicated.
- As of September 30, 2011, 9 allegations of Sexual Abuse reported during Fiscal Year 2011 were sustained: 1 involved a BOP employee, 4 involved staff working in contract/halfway house facilities, and 4 involved staff working in privatized facilities. None of these individuals were convicted of criminal violations.

# Reporting Incidents of Misconduct

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## 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. 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.

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

## Reporting Incidents of Misconduct

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misconduct allegations for staff occupying bargaining unit positions or GS-12 and below non-bargaining unit positions without first obtaining OIA approval. 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.

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.

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

- The identity of the complainant(s), subject(s), witness(es), and victim(s);
- The details of the allegation(s); and
- Any 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 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 sent to the OIA **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.

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

All Referral of Incident forms (BP-A715.012 or BP-A774.012) and appropriate predicated information will be sent to the OIA via e-mail to the OIA BOPNet GroupWise mailbox BOP-DIR/InternalAffairs-Referrals~. All documentation will be scanned in .pdf format (Adobe Acrobat) and saved as one file. 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

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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

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## 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.

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 2011, the OIA opened 4,774 cases involving 5,570 BOP employees, 38 contract employees working in BOP facilities, 48 Public Health Service employees working in BOP facilities, 4 volunteers working in BOP facilities, 203 contract/halfway house employees, and 226 employees working in privatized facilities. These 4,774 cases represent a 4.6 percent increase over the 4,565 cases opened during Fiscal Year 2010. The rate of reported misconduct among BOP employees stayed the same (15.0 subjects per 100 total BOP employees during both Fiscal Years 2010 and 2011).

The 4,774 cases opened during Fiscal Year 2011 were classified as follows:

Classification 1 .....	1,207
Classification 2 .....	1,228
Classification 3 .....	2,339

Cases classified as Classification 3 offenses showed an increase of 13.5 percent over those cases opened in Fiscal Year 2010. Both Classification 1 cases and Classification 2 cases showed a decrease over those opened in

Fiscal Year 2010 (3.4 percent and 2.2 percent, respectively).

### 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.

## Reported Misconduct

Table 1: Types of Reported Misconduct - Fiscal Year 2011					
Type of Misconduct	Number of Reported Allegations				
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL	% Change From FY 2010
Unprofessional Conduct	655	539		1,194	-2.8
Other On-Duty Misconduct	484	617		1,101	-15.0
Abuse of Inmates	930			930	-7.8
Personnel Prohibitions		714	59	773	+12.7
Failure to Follow Policy	394	330		724	+13.8
Introduction of Contraband	449	82		531	-2.7
Off-Duty Misconduct			525	525	-17.1
Inappropriate Relationship with Inmates	524			524	-10.4
Fiscal Improprieties	104	361		465	-13.1
Breach of Security	189	254		443	+5.2
Sexual Abuse of Inmates	393			393	-4.1
Inattention to Duty	148	219		367	-19.2
Investigative Violations		111		111	-9.8
Unauthorized Release of Information	79	28		107	-3.6
Bribery	101	1		102	-36.6
Discrimination	35	4		39	+85.7

Table 1 provides a breakdown of those categories of misconduct reported during Fiscal Year 2011. The only categories of misconduct which showed an increase from Fiscal Year 2010 were Discrimination (an 85.7 percent increase), Failure to Follow Policy (a 13.8 percent increase), Personnel Prohibitions (a 12.7 percent increase), and Breach of Security (a 5.2 percent increase). The most significant decreases occurred in the categories of Bribery (a 36.6 percent decrease), Inattention to Duty (a 19.2 percent decrease), and Off-Duty Misconduct (a 17.1 percent decrease).

### 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 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

## Reported Misconduct

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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 4,774 cases opened during Fiscal Year 2011, 33 cases involved Patriot Act violations. As of September 30, 2011, 19 cases remained open pending investigation, and 14 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 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, 2011, a decision had been made on 1,512 (31.7 percent) of the 4,774 cases opened during Fiscal Year 2011. The remaining 3,262 cases (68.3 percent) were still open and being investigated. Of the 1,512 cases closed, the majority 1,384 or 91.5 percent) were investigated at the institution level with authorization and monitoring provided by the OIA. Of the 1,512 cases closed, 87 were OIA on-site investigations (5.8 percent), and 41 (2.7 percent) were investigated by the OIG.

Of the 1,512 cases closed, 395 (26.1 percent) were sustained. Misconduct was sustained against 297 BOP employees, 2 contract

employees working in BOP facilities, 4 PHS employees working in BOP facilities, 1 volunteer working in a BOP facility, 47 contract/halfway house employees, and 72 employees working in privatized facilities.

### BOP Employees

There were 5,570 BOP employees identified as misconduct subjects in cases opened during Fiscal Year 2011. As of September 30, 2011, a decision had been made for 28.2 percent of those employees. Of the 28.2 percent (or 1,569 employees), 18.9 percent (297) had a sustained decision (a rate of .8 employees per 100 total BOP staff).

Of the 5,570 BOP employees for whom a case was opened during Fiscal Year 2011, 257 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, 2011. 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 Off-Duty Misconduct (within this category Discreditable Behavior was sustained with the greatest frequency).

## Closed/Sustained Misconduct

**Table 2: Types of Sustained Misconduct for BOP Employees - FY 2011  
With 28 Percent Closed**

Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Personnel Prohibitions		61	13	74
Unprofessional Conduct	8	35		43
Off-Duty Misconduct			42	42
Other On-Duty Misconduct	10	29		39
Failure to Follow Policy	19	20		39
Breach of Security	12	20		32
Inattention to Duty	14	17		31
Fiscal Improprieties	5	23		28
Inappropriate Relationship with Inmates	23			23
Introduction of Contraband	10	7		17
Investigative Violations		7		7
Abuse of Inmates	4			4
Unauthorized Release of Information	3	0		3
Sexual Abuse of Inmates	1			1
Bribery	1	0		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

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- 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

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

Written Reprimand.....	88
Resignation .....	74
Suspension .....	70
No Action.....	34
Termination.....	14
Retirement.....	13
Combined with Action in Another OIA Matter .....	3
Oral Reprimand.....	1

The specific types of misconduct most frequently sustained against those individuals for whom no disciplinary action was taken were Unprofessional Conduct (22.5 percent of all sustained misconduct for staff in this group), Failure to Follow Policy (12.5 percent) and Absent Without Leave (12.5 percent).

- **Gender**

There were 4,252 male BOP employees identified as misconduct subjects in Fiscal Year 2011. As of September 30, 2011, a decision had been made for 28.4 percent of those 4,252 male employees. Of the 28.4 percent (or 1,206 male employees), 19.1 percent (230) had a sustained decision (a rate of .9 employees per 100 total male BOP staff).

There were 1,061 female BOP employees identified as misconduct subjects in Fiscal Year 2011. As of September 30, 2011, a decision had been made for 27.5 percent of those 1,061 female employees. Of the 27.5 percent (or 292 female employees), 22.9 percent (67) had a sustained decision (a rate of .7 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, 2011. The most frequently sustained category of misconduct among male staff was Personnel Prohibitions (20.4 percent of all sustained misconduct by male staff). The most frequently sustained category of misconduct among female staff was Inappropriate Relationship with Inmates (15.8 percent of all sustained misconduct by female staff).

## Closed/Sustained Misconduct

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<b>Table 3: Types of Sustained Misconduct for Male BOP Employees - FY 2011 With 28.4 Percent Closed</b>					
<b>Type of Misconduct</b>	<b>Number of Sustained Allegations</b>				
	<b>Inmate Related</b>	<b>Non Inmate Related</b>	<b>Off-Duty</b>	<b>TOTAL</b>	<b>% of Total<sup>1</sup></b>
Personnel Prohibitions		48	11	59	20.4
Failure to Follow Policy	18	18		36	12.5
Off-Duty Misconduct			35	35	12.1
Other On-Duty Misconduct	9	24		33	11.4
Unprofessional Conduct	6	24		30	10.4
Breach of Security	8	19		27	9.3
Inattention to Duty	10	15		25	8.7
Fiscal Improprieties	4	15		19	6.6
Introduction of Contraband	6	3		9	3.1
Inappropriate Relationship with Inmates	8			8	2.8
Abuse of Inmates	4			4	1.4
Investigative Violations		3		3	1.0
Unauthorized Release of Information	1	0		1	.3
Sexual Abuse of Inmates	0			0	0
Discrimination	0	0		0	0
Bribery	0	0		0	0

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



## Closed/Sustained Misconduct

<b>Table 4: Types of Sustained Misconduct for Female BOP Employees - FY 2011 With 27.5 Percent Closed</b>					
<b>Type of Misconduct</b>	<b>Number of Sustained Allegations</b>				
	<b>Inmate Related</b>	<b>Non Inmate Related</b>	<b>Off-Duty</b>	<b>TOTAL</b>	<b>% of Total<sup>2</sup></b>
Inappropriate Relationship with Inmates	15			15	15.8
Personnel Prohibitions		13	2	15	15.8
Unprofessional Conduct	2	11		13	13.7
Fiscal Improprieties	1	8		9	9.5
Introduction of Contraband	4	4		8	8.4
Off-Duty Misconduct			7	7	7.4
Inattention to Duty	4	2		6	6.3
Other On-Duty Misconduct	1	4		5	5.3
Breach of Security	4	1		5	5.3
Investigative Violations		4		4	4.2
Failure to Follow Policy	1	3		4	4.2
Unauthorized Release of Information	2	0		2	2.1
Sexual Abuse of Inmates	1			1	1.1
Bribery	1	0		1	1.1
Abuse of Inmates	0			0	0
Discrimination	0	0		0	0

<sup>2</sup> Those items highlighted in red occurred with greater frequency among female staff than among male staff.

## Closed/Sustained Misconduct

- **Job Discipline**

As of September 30, 2011, 297 BOP employees identified as misconduct subjects during Fiscal Year 2011 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
Religious Services	5	327	1.5
Community Corrections	2	167	1.2
Food Service	18	1633	1.1
Education & Vocational Training	12	1060	1.1
Correctional Services	170	16716	1.0
UNICOR	7	1012	.7
Unit Management	21	3229	.7
Health Services/Safety	17	2619	.6
Facilities	14	2392	.6
Inmate Services	1	208	.5
CEO's Office & Staff	5	926	.5
Business Office	9	1700	.5
Central Office	5	1261	.4
Recreation	3	755	.4
Psychology Services	4	1053	.4
Records/Inmate Systems	2	1027	.2
Human Resources	1	435	.2
Computer Services	0	242	0
Staff Training Centers/NIC	0	118	0

The most frequently sustained type of misconduct among Religious Services staff was Unprofessional Conduct (40 percent of the total sustained misconduct among staff in this group). The types of misconduct among Community Corrections staff were Unprofessional Conduct (50 percent of the total sustained misconduct among staff in this group) and Failure to Follow Policy (50 percent of the total sustained misconduct among staff in this group). The most frequently

## Closed/Sustained Misconduct

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sustained type of misconduct among Food Services staff was Failure to Properly Supervise Inmates (10.3 percent of the total sustained misconduct among staff in this group).

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

There were 4,269 employees in the bargaining unit identified as misconduct subjects in Fiscal Year 2011. As of September 30, 2011, a decision had been made for 27.3 percent of those 4,269 bargaining unit employees. Of the 27.3 percent (or 1,166 bargaining unit employees), 21.9 percent (or 255 bargaining unit employees) had a sustained decision (a rate of .8 employees per 100 total bargaining unit employees).

There were 1,044 non-bargaining unit employees identified as misconduct subjects in Fiscal Year 2011. As of September 30, 2011, a decision had been made for 31.8 percent of those 1,044 non-bargaining unit employees. Of the 31.8 percent (or 332 non-bargaining unit employees), 12.7 percent (or 425 non-bargaining unit employees) had a sustained decision (a rate of .7 employees per 100 total non-bargaining unit employees).

### Contract/Halfway House Employees

There were 203 contract/halfway house employees identified as misconduct subjects in Fiscal Year 2011. As of September 30, 2011, a decision had been made for 63.1 percent of those 203 employees. Of the 63.1 percent (or 128 employees), 36.7 percent (47) had a sustained decision. It is significant to note that an administrative disposition was recorded for 32.8 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 36.7 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 Relationship with Inmates, which made up 43.1 percent of all sustained misconduct among this group.

## Closed/Sustained Misconduct

**Table 6: Types of Sustained Misconduct for Contract/Halfway House Employees - FY 2011  
With 63.1 Percent Closed**

Type of Misconduct	Number of Sustained Allegations			TOTAL
	Inmate Related	Non Inmate Related	Off-Duty	
Inappropriate Relationship with Inmates	25			25
Failure to Follow Policy	8	1		9
Other On-Duty Misconduct	4	1		5
Unprofessional Conduct	3	2		5
Sexual Abuse of Inmates	4			4
Fiscal Improprieties	2	0		2
Investigative Violations		2		2
Personnel Prohibitions		1	1	2
Off-Duty Misconduct			2	2
Unauthorized Release of Information	1	0		1
Inattention to Duty	0	1		1
Abuse of Inmates	0			0
Introduction of Contraband	0	0		0
Discrimination	0	0		0
Bribery	0	0		0
Breach of Security	0	0		0

### Staff in Privatized Facilities

There were 226 employees working in privatized facilities identified as misconduct subjects during Fiscal Year 2011. As of September 30, 2011, a decision had been made for 62.4 percent of those 226 employees. Of the 62.4 percent (or 1414 employees), 51.1 percent (72) 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 Relationship with Inmates, which made up 25 percent of all misconduct among this group.

## Closed/Sustained Misconduct

**Table 7: Types of Sustained Misconduct for Staff in Privatized Facilities - FY 2011  
With 62.4 Percent Closed**

Type of Misconduct	Number of Sustained Allegations			TOTAL
	Inmate Related	Non Inmate Related	Off-Duty	
Inappropriate Relationship with Inmates	25			25
Other On-Duty Misconduct	4	13		17
Inattention to Duty	4	7		11
Unprofessional Conduct	4	5		9
Introduction of Contraband	3	6		9
Breach of Security	5	2		7
Investigative Violations		6		6
Failure to Follow Policy	4	1		5
Sexual Abuse of Inmates	4			4
Unauthorized Release of Information	2	1		3
Abuse of Inmates	2			2
Personnel Prohibitions		2	0	2
Fiscal Improprieties	0	1		1
Discrimination	0	0		0
Bribery	0	0		0
Off-Duty Misconduct			0	0

### Contract Employees and Volunteers Working in BOP Facilities

There were 38 contract staff and 4 volunteers working in BOP facilities identified as misconduct subjects during Fiscal Year 2011.

As of September 30, 2011, a decision had been made for 23.7 percent of the 38 contract employees. Of the 23.7 percent (or 9 contract employees), 22.2 percent (2) had a sustained decision. One allegation each of Inappropriate Relationship with Inmates and Failure to Follow Policy were sustained.

As of September 30, 2011, a decision had been made for 75 percent of the 4 volunteers. Of the 75 percent (or 3 volunteers), 33.3 percent (1) had a sustained decision. Inappropriate Relationship with Inmates was sustained against that individual.

## Closed/Sustained Misconduct

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### PHS Employees Working in BOP Facilities

Of the approximately 775 PHS employees working in BOP facilities, 48 were identified as misconduct subjects during Fiscal Year 2011 (or 6.2 per 100 PHS employees). As of September 30, 2011, a decision had been made for 43.8 percent of those 48 PHS employees. Of the 43.8 percent (or 21 PHS employees), 19 percent (4) had a sustained decision, for a sustained rate of .5 per 100 PHS employees. Two allegations of Failure to Follow Policy were sustained, and one allegation each of Inattention to Duty, Unprofessional Conduct, and Failure to Follow Supervisor's Instructions were sustained.

# Physical Abuse of Inmates

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## 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 2011, 626 allegations of Physical Abuse of Inmates were either reported to the OIA or detected during the course of an investigation. As of September 30, 2011, a decision had been made for 35.8 percent (or 224) 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). Two allegations of Physical Abuse have been sustained to date, both resulting in minor/no injury (harassment) to the inmate. One of the sustained allegations

## Physical Abuse of Inmates

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involved a male Correctional Services employee, and one involved a staff member working at a privatized facility. Neither of the subjects with a sustained allegation was criminally prosecuted.



# Introduction of Contraband

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## 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;

(B) marijuana or a controlled substance in schedule III, other than a controlled substance referred to in subparagraph (C) of this subsection, ammunition, a

## Introduction of Contraband

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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 2011, 531 allegations of Introduction of Contraband were either reported or detected during the course of an investigation. As of September 30, 2011, a decision had been made for 24.5 percent (or 130) of those allegations. Twenty-six allegations of Introduction of Contraband have been sustained to date:

Type of Contraband	Inmate Related	Non Inmate Related
Soft Item	10	1
Weapons	0	3
Marijuana	1	0
Unauthorized Electronic Device	1	9
Creatine/Weightlifting Supplements	1	0

Twenty-four individuals were involved in the sustained allegations of Introduction of Contraband. Fifteen of these individuals were BOP employees (2 were male Business Office employees, 2 were male Correctional Services Employees, 2 were female Food Service employees, 2 were female Unit Management employees, 1 was a male Recreation employee, 1

## Introduction of Contraband

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was male Education and Vocational Training employee, 1 was a male Health Services/Safety employee, 1 was a male Psychology Services employee, 1 was a female UNICOR employee, 1 was a female Education and Vocational Training employee, and 1 was a female Correctional Services employee). Nine of these individuals worked in privatized facilities.

A male employee at a privatized facility was arrested by local authorities after he introduced a small amount of marijuana secreted in a sandwich into the institution. The individual's employment was terminated before the case could be adjudicated.

# Sexual Abuse of Inmates

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## 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

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

## Sexual Abuse of Inmates

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- (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.
- (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.

## Sexual Abuse of Inmates

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(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 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, 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 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

## Sexual Abuse of Inmates

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(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 2011, 393 allegations of Sexual Abuse were either reported to the OIA or detected during the course of an investigation. Of the 396 allegations, 305 involved BOP employees, 8 involved contract employees working in BOP facilities, 6 involved PHS employees working in BOP facilities, 3 involved volunteers working in BOP facilities, 50 involved staff working in contract/halfway house facilities, and 21 involved staff working in privatized facilities.

The types of allegations reported with the most frequency were Abusive Sexual Contact (§2244) between male staff and male inmates (96 reported allegations) and Unprofessional Conduct of a Sexual Nature between male staff and male inmates (81 reported allegations).

As of September 30, 2011, 9 allegations of sexual abuse reported during Fiscal Year 2011 were sustained. Of the 9 allegations, 1 involved a BOP employee, 4 involved staff working in contract/halfway house facilities, and 4 involved staff working in privatized facilities. Two hundred allegations reported during Fiscal Year 2011 are pending.

### **Sexual Abuse/Sexual Abuse of a Ward (Male Staff/Female Inmate)**

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 intercourse with the inmate in a closet in the facility. The subject stated there may have been other occasions when he had sexual intercourse with the inmate, but he could not recall. The subject also admitted he placed a \$10 credit on the inmate's phone card, and he called her on her cellular telephone. The inmate admitted she agreed to have sexual intercourse in the facility with the subject on at least five occasions. The inmate stated they had sexual intercourse in a closet and in a staff office. The BOP's contract with the halfway house was terminated prior to the completion of the investigation. Therefore, the subject will no longer have contact with federal offenders. The U.S. Attorney's Office declined prosecution. (2011-01803/OIG 2011003556)

### **Sexual Abuse/Sexual Abuse of a Ward (Female Staff/Male Inmate)**

Sexual Abuse/Sexual Abuse of a Ward between a female Food Service employee at FCC Victorville and a male inmate. This matter was investigated by the OIG. The subject initially

## Sexual Abuse of Inmates

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provided a sworn affidavit in which she denied having an inappropriate or sexual relationship with the inmate. She later provided a sworn affidavit in which she admitted she had been involved with the inmate for approximately ten months. The subject stated she and the inmate engaged in oral sex and sexual intercourse. In addition, the subject admitted giving the inmate contraband items and allowing the inmate to use her iPod. The subject resigned her employment. The U.S. Attorney's Office declined prosecution. (2011-00333/OIG 2011000770)

### **Abusive Sexual Contact (Male Staff/Female Inmate)**

Abusive Sexual Contact 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. The subject admitted that prior to conducting a home confinement check at the inmate's residence, the subject sent sexually-suggestive text messages to the inmate on her cellular telephone. The subject admitted that while at the inmate's residence, the subject and inmate kissed, and the subject placed his hand on the inmate's thigh and inside her underwear. The subject stated no further sexual contact occurred because the inmate did not want to "cheat" on her boyfriend. The subject resigned his employment. (2011-03503/OIG 2011006741)

### **Unprofessional Conduct of a Sexual Nature (Male Staff/Male Inmate)**

Unprofessional Conduct of a Sexual Nature between a male employee at the Adams County Correctional Center and a male inmate. The OIG deferred this matter to the BOP for administrative resolution. The subject told the inmate, who is homosexual, that he (the subject) is not gay, and he likes "punaani" (Jamaican slang referencing the female genitalia). The subject received an oral reprimand. (2011-03030/OIG 2011005871)

### **Unprofessional Conduct of a Sexual Nature (Female Staff/Male Inmate)**

Unprofessional Conduct of a Sexual Nature between a female employee at the Taft Correctional Institution and a male inmate. This matter was investigated by the OIG. The subject admitted kissing the inmate in the commissary on a few occasions. The subject resigned her employment. The U.S. Attorney's Office declined prosecution, citing a lack of evidence and a lack of prosecutorial resources in his district. (2011-00369/OIG 2011000802)

Unprofessional Conduct of a Sexual Nature between a female employee at a contract/halfway house facility and a male inmate. The OIG deferred this matter to the BOP for administrative resolution. A staff member searched the inmate's property and found compromising photographs and text messages sent to him by the subject. The inmate stated he and the subject had known each other since the sixth grade, and their relationship began prior to his arrival at the facility. The subject resigned. (2011-01142/OIG 2011002387)

Unprofessional Conduct of a Sexual Nature between a female employee at a contract/halfway house facility and a male inmate. The OIG deferred this matter to the BOP for administrative resolution. A cellular telephone was confiscated from the inmate. A text message from the



## Sexual Abuse of Inmates

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subject was discovered on the cellular telephone. The text message stated, "I want to kiss you so bad." The inmate responded, "Why?" and the subject answered, "I don't know. Sumthin bout u." There was also a picture on the cellular telephone of the subject and the inmate kissing. The subject resigned her employment before an investigation could be conducted. She admitted she exchanged text messages with the inmate and kissed him. (2011-01624/OIG 2011003482)

Unprofessional Conduct of a Sexual Nature 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 hugged the inmate. Further, the inmate was in possession of the subject's personal telephone number. The subject was a contract Food Service worker, and she was banned from future entry into the facility. (2011-03039/OIG 2011006018)

Unprofessional Conduct of a Sexual Nature between a female employee at the D. Ray James Correctional Facility and a male inmate. The OIG deferred this matter to the BOP for administrative resolution. The subject admitted kissing the inmate on two separate occasions. The subject's employment was terminated. (2011-04174/OIG 2011007800)

# Representative Case Summaries

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## Failure to Follow Supervisor's Instructions

A Correctional Services employee was advised s/he had been roster adjusted for the day, and s/he was given a direct order to report to the high security institution. The employee refused, stating s/he was hired to work at the medium security institution. The employee was suspended for ten days. (2011-00250)

## Unprofessional Conduct

A Central Office employee made derogatory comments about his/her co-worker's clothing and appearance and stated s/he was "prim and proper" and didn't have any dirt under his/her fingernails. The subject stated people like the subject worked in the fields, while people like the co-worker worked in the house. The subject then referred to the co-worker using a racial slur. The subject was suspended for two days. (2011-00388)

An inmate asked an Education and Vocation Training employee who was working in Recreation for some cleaning solution to be used in the barber shop. The subject asked the inmate what kind of solution he wanted. The inmate stated he didn't know what it was called, but it was used to clean the clippers and scissors. The subject stated, "If you don't know what you're talking about, don't bother me." The subject also stated the inmate was pathetic, and the subject was better than the inmate because the subject had never been in prison. The subject received a written reprimand. (2011-01162)

## Misuse of Government Computers

While performing routine maintenance on a network server, a Computer Services employee found several nude photographs in a Psychology Service employee's user home directory. The subject admitted s/he forwarded nude and semi-nude photographs of him/herself to his/her BOP e-mail address and then saved them to his/her user home directory. The subject was suspended for two days. (2011-01168)

## Use/Abuse of Illegal Drugs/Alcohol

A Food Service employee was given a reasonable suspicion urinalysis test after s/he admitted using Oxycontin and Methadone without a current prescription. The subject's urine sample tested positive for the use of Methadone. None of the medical documentation s/he provided explained the positive test. The subject resigned. (2011-02850)

## Representative Case Summaries

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### Offering/Giving Anything of Value to an Inmate

A UNICOR employee purchased pizza for five inmates who recovered a lost forklift key. The subject retired prior to disciplinary action being taken. (2011-03688)

### Failure to Report Violation of Rules/Regulations

The SORT conducted monthly training on the firing range. When the participants were released for lunch, one of the sniper weapons was left on the range. The weapon was located and secured. The responsible staff member reported the incident to two supervisory staff (a Correctional Services employee and a Business Office employee). The supervisory staff did not report the incident to the captain until the following day. One of the supervisory staff was suspended for one day, and the other was suspended for two days. (2011-00403)

### Refusing to Take a Drug Test

A Correctional Services employee provided a urine sample as part of the Drug Free Workplace Program. The specimen was collected in accordance with national policy guidelines, and the staff member collecting the specimen was trained and qualified to do so. Lab results showed the specimen was altered; specifically, the urine had been substituted with an unknown liquid (most likely water). The subject's employment was terminated. (2011-01121)

### Failure to Follow Policy

A Business Office employee reported that his/her computer may have a virus on it. The subject was instructed to bring his/her computer to the computer lab. The subject allowed an inmate to deliver the computer to the computer lab. The subject also admitted s/he moved a computer from the laundry to the outside warehouse without obtaining permission to do so from IT staff. The subject received a written reprimand. (2011-00678)

A Community Corrections employee awarded a contract to a halfway house facility without running criminal history checks on the facility's employees. The facility was rated as "At Risk" due to significant findings regarding contract oversight, and staff clearances was identified as one of the causes. The subject was suspended for five days. (2011-01628)

### Unauthorized Release of Information

A Religious Services employee admitted s/he asked inmate one to stay in the immediate area while s/he met with inmate two. Following the meeting the subject told inmate two that inmate one had a history of assaulting female staff. The subject resigned prior to disciplinary action being taken. (2011-00130)

## Representative Case Summaries

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### **Theft/Misuse of Government Property**

A Religious Services employee admitted s/he threw two coffee pots belonging to the government in the trash. The subject stated the coffee pots were taking up too much space, so s/he discarded them. The subject received a written reprimand. (2011-01183)

### **Improper Contact With an Inmate/Inmate's Family**

An employee at a privatized facility admitted she was curious regarding the texture of an inmate's hair, and s/he asked the inmate if s/he could touch her hair. The subject stated s/he touched the inmate's hair out of curiosity. The subject received a written reprimand. (2011-01681)

TRUVIEW documents showed an employee at a contract/halfway house placed money in an inmate's account on numerous occasions. Further, the subject's name appeared on the inmate's phone records. Finally, a U.S. Probation Officer reported the subject may have been at the inmate's residence during a home visit. The subject's employment was terminated. (2011-04336)

## Significant Prosecutions

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Following are brief summaries of some of the significant or noteworthy prosecutions which were completed during Fiscal Year 2011. The individuals referenced are no longer employed by the BOP or any BOP contractor.

- During a joint OIG/FBI undercover operation, a Correctional Services employee was arrested when he accepted \$2,000 in cash, one pound of marijuana, a cellular telephone, and a camera from a cooperating inmate's girlfriend. Following his arrest, the Correctional Services employee admitted he previously smuggled a cellular telephone, cigarettes, and alcohol into the institution. The Correctional Services employee pled guilty to one count of Conspiracy to Smuggle Contraband into the Prison and one count of Possessing Less than 50 Grams of Marijuana. He was sentenced to one-month incarceration, five-months home detention, and two-years supervised release, and ordered to pay a \$2,000 fine. (2004-02868)
- An OIG investigation determined a Correctional Services employee accepted over \$1,000 in bribes in exchange for introducing cigarettes into the institution for an inmate. The Correctional Services employee pled guilty to a one count of Introduction of Contraband. He was ordered to pay a \$5,000 fine. (2006-00221/OIG 2006000264)
- An OIG investigation determined a Business Office employee used her purchase charge card to make personal purchases and then falsified documentation to conceal the unauthorized purchases. Further, the employee used a government-issued FLEET card to purchase gasoline for her personal vehicle. The subject was convicted of Embezzlement and sentenced to six-months home confinement and five-years probation. She was also ordered to pay \$18,623 in restitution. (2006-03498/OIG 2006007772)
- An OIG investigation determined a Correctional Services employee received cash payments totaling \$24,200 from inmates in exchange for introducing tobacco products into the institution. The Correctional Services employee pled guilty to one count of Extortion. He was sentenced to four-years incarceration and two-years supervised release. (2007-00575/OIG 2007002068)
- An OIG investigation determined two Correctional Services employees purchased items from Oakley at a 50 percent discount for law enforcement officers. The Correctional Services employees then resold the items on e-Bay at a profit. The Correctional Services employees were found guilty of Interstate Transportation of Goods Taken by False Pretenses. One was sentenced to one-year probation and ordered to pay \$15,000 in restitution. The other was sentenced to one-year probation and ordered to pay \$20,000 in restitution. (2007-00730/OIG 2007001583)
- During a voluntary interview with the OIG, a Correctional Services employee admitted introducing tobacco into the institution for inmates. The Correctional Services employee pled guilty to Introduction of Contraband and Bribery. The Bribery charge was

## Significant Prosecutions

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dismissed as part of a plea agreement. The Correctional Services employee was sentenced to five-years probation and 100 hours of community service. (2008-03426/OIG 2008007230)

- An OIG investigation determined a Correctional Services employee submitted fraudulent overtime authorization forms and collected compensation for work he did not perform. The Correctional Services employees stated he need the money to pay his mother's bills and for his divorce. The Correctional Services employee was found guilty to Theft of Public Money and sentenced to five-years probation and six-months home confinement. (2010-01486/OIG 20100003087)
- An OIG investigation determined a Correctional Services employee physically assaulted an inmate and then wrote a report falsely claiming the inmate lunged at him. The Correctional Services employee was convicted of Deprivation of Rights Under Color of Law and Falsification of Records in Federal Investigations. The Correctional Services employee was sentenced to four-months home confinement, three-years supervised release, and 100 hours of community service. (2010-03121/OIG 2010006845)
- An OIG investigation determined a Health Services/Safety employee substituted and administered non-prescription strength medications such as acetaminophen rather than Roxicet, which he took for his own use. The Health Services/Safety employee admitted he made false entries in the inmates' medical records to conceal his actions. The Health Services/Safety employee pled guilty to Unlawful Possession of a Controlled Substance. He was sentenced to five-years supervised release and a \$10,000 fine. In addition, the Health Services/Safety employee voluntarily surrendered his DEA privileges to prescribe controlled substances, and he agreed to a five-year period of monitoring by a state board of dentistry. (2010-03825/OIG 2010008244)

<b>Types of Sustained Misconduct for BOP Employees - FY 2010 With 71.9 Percent Closed</b>				
<b>Type of Misconduct</b>	<b>Number of Sustained Allegations</b>			
	<b>Inmate Related</b>	<b>Non Inmate Related</b>	<b>Off-Duty</b>	<b>TOTAL</b>
Unprofessional Conduct	57	233		290
Personnel Prohibitions		234	21	255
Other On-Duty Misconduct	71	180		251
Failure to Follow Policy	130	120		250
Off-Duty Misconduct			211	211
Fiscal Improprieties	15	162		177
Inattention to Duty	39	102		141
Breach of Security	46	83		129
Inappropriate Relationship with Inmates	111			111
Introduction of Contraband	39	26		65
Investigative Violations		47		47
Abuse of Inmates	26			26
Unauthorized Release of Information	11	8		19
Sexual Abuse of Inmates	11			11
Bribery	8	0		8
Discrimination	0	0		0

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## Types of Misconduct

### Abuse of Inmates

Physical Abuse of Inmates  
Excessive Use of Force  
Excessive Use of Force - Restraint Related  
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
- 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 Duty<sup>1</sup>  
Failure to Respond to an Emergency  
Failure to Properly Supervise Inmates  
Breach of Security<sup>1</sup>  
Breach of Computer Security<sup>1</sup>  
Falsification of Documents  
Unprofessional Conduct<sup>1</sup>  
Failure to Follow Policy<sup>1</sup>  
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

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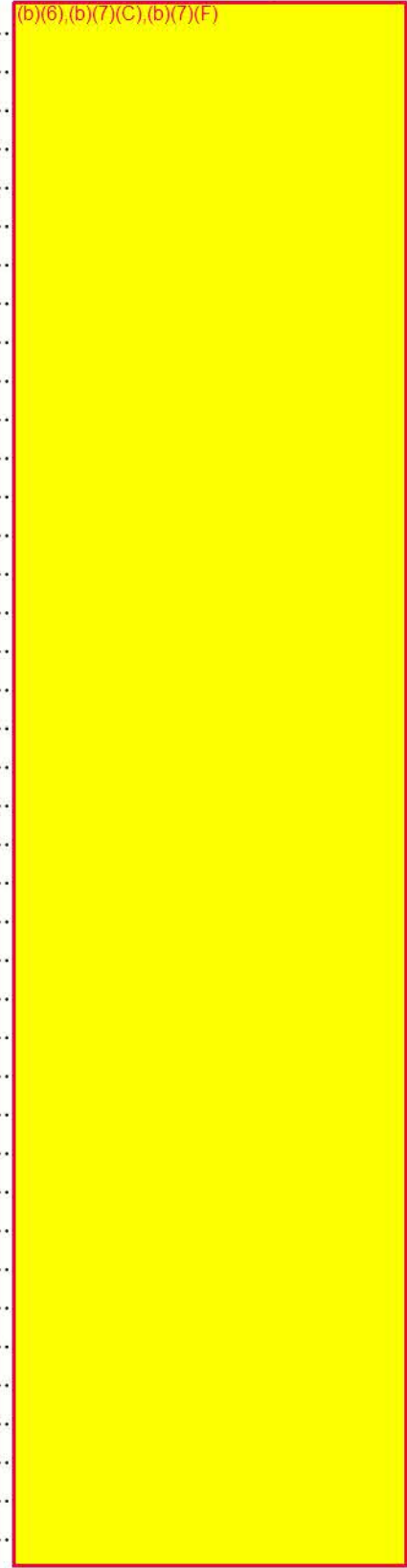
<sup>1</sup>Due to the frequency of this type of misconduct, it is identified separately throughout this report.

**Agent Monitoring Assignments  
Effective December 15, 2011**

Alderson, WV .....	(b)(6),(b)(7)(C),(b)(7)(F)
Allenwood, PA.....	
Ashland, KY .....	
Atlanta, GA .....	
Atwater, CA .....	
Bastrop, TX.....	
Beaumont, TX.....	
Beckley, WV .....	
Bennettsville, SC.....	
Berlin, NH.....	
Big Sandy, KY .....	
Big Spring, TX.....	
Brooklyn, NY.....	
Bryan, TX .....	
Butner, NC .....	
Canaan, PA .....	
Carswell, TX.....	
Chicago, IL .....	
Coleman, FL .....	
Cumberland, MD .....	
Danbury, CT .....	
Devens, MA .....	
Dublin, CA.....	
Duluth, MN.....	
Edgefield, SC .....	
El Reno, OK.....	
Elkton, OH.....	
Englewood, CO.....	
Estill, SC .....	
Fairton, NJ.....	
Florence, CO .....	
Forrest City, AR.....	
Fort Worth, TX .....	
Fort Dix, NJ .....	
Gilmer, WV.....	
Grand Prairie, TX.....	
Greenville, IL.....	

# Appendix

Guaynabo, PR .....  
Hazelton, WV .....  
Herlong, CA .....  
Honolulu, HI .....  
Houston, TX .....  
Jesup, GA .....  
La Tuna, TX .....  
Leavenworth, KS .....  
Lee, VA .....  
Lewisburg, PA .....  
Lexington, KY .....  
Lompoc, CA .....  
Loretto, PA .....  
Los Angeles, CA .....  
Manchester, KY .....  
Marianna, FL .....  
Marion, IL .....  
Mendota, CA .....  
McCreary, KY .....  
McDowell, WV .....  
McKean, PA .....  
Memphis, TN .....  
Miami (FDC & FCI), FL .....  
MXRO, MD .....  
Milan, MI .....  
Montgomery, AL .....  
Morgantown, WV .....  
New York, NY .....  
NCRO, KS .....  
NERO, PA .....  
Oakdale, LA .....  
Oklahoma, OK .....  
Otisville, NY .....  
Oxford, WI .....  
Pekin, IL .....  
Pensacola, FL .....  
Petersburg, VA .....  
Philadelphia, PA .....  
Phoenix, AZ .....  
Pollock, LA .....



(b)(6),(b)(7)(C),(b)(7)(F)

# Appendix

Ray Brook, NY .....  
Rochester, MN .....  
Safford, AZ .....  
San Diego, CA .....  
Sandstone, MN .....  
Schuylkill, PA .....  
Seagoville, TX .....  
SeaTac, WA .....  
Sheridan, OR .....  
SCRO, TX .....  
SERO, GA .....  
Springfield, MO .....  
Talladega, AL .....  
Tallahassee, FL .....  
Terminal Island, CA .....  
Terre Haute, IN .....  
Texarkana, TX .....  
Three Rivers, TX .....  
Tucson, AZ .....  
Victorville, CA .....  
Waseca, MN .....  
WRO, CA .....  
Williamsburg, SC .....  
Yankton, SD .....  
Yazoo City, MS .....

