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Federal Bureau of Prisons
Washington, DC

Office of Internal Affairs Report for Fiscal Year 2012

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Executive Summary of Findings

- There was a 17 percent increase in the number of cases opened in Fiscal Year 2012 as compared with Fiscal Year 2011. The rate of reported misconduct among BOP employees increased 18.8 percent over Fiscal Year 2011.

- Cases classified as Classification 2 offenses showed the largest increase (a 30.6 percent increase over those opened in Fiscal Year 2011). Cases classified as Classification 1 and Classification 3 offenses also increased (17.3 percent and 9.7 percent respectively).

- The most frequently reported type of misconduct in Fiscal Year 2012 was Unprofessional Conduct. Other On-Duty Misconduct and Abuse of Inmates placed second and third, respectively.

- The only categories of reported misconduct which showed a decrease from Fiscal Year 2011 were Discrimination, Off-Duty Misconduct, Failure to Follow Policy, and Introduction of Contraband. The most significant increases occurred in the categories of Inattention to Duty, Sexual Abuse of Inmates, and Abuse of Inmates.

- During Fiscal Year 2012, 29 cases involving Patriot Act Violations were opened. As of September 30, 2012, 12 cases remained open pending investigation, and 17 cases were closed. No allegations of misconduct were sustained.

- The most frequently sustained category of misconduct among BOP employees with a sustained decision as of September 30, 2012, was Personnel Prohibitions, followed by On-Duty Misconduct, and Fiscal Improprieties.

- The sustained rate of misconduct for male BOP employees for whom a decision had been made as of September 30, 2012, was .97 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, 2012, was 1.1 employees per 100 total female BOP staff.

- The most frequently sustained category of misconduct among both male and female BOP employees with a sustained decision as of September 30, 2012, was Personnel Prohibitions.

- For those BOP employees with a sustained decision as of September 30, 2012, the rate was highest among Community Corrections staff (1.7 per 100 total Community Corrections staff). Although the absolute number of sustained decisions was low (i.e., 3), the per capita rate was nonetheless highest given the relatively low number of Community Corrections staff in the agency.

Executive Summary of Findings

- For those BOP employees with a sustained decision as of September 30, 2012, the rate was slightly higher for non-bargaining unit employees than for bargaining unit employees (1.3 per 100 total non-bargaining unit employees vs. 1 per 100 total bargaining unit employees).

- For those contract/halfway house employees with a sustained decision as of September 30, 2012, 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, 2012.

- As of September 30, 2012, no allegations of Physical Abuse reported during Fiscal Year 2012 were sustained.

- As of September 30, 2012, 25 allegations of Introduction of Contraband reported during Fiscal Year 2012 were sustained, involving 25 individuals. Thirteen involved the introduction of soft contraband, 9 involved the introduction of unauthorized electronic devices, 2 involved the introduction of weapons, and 1 involved the introduction of Creatine/Weightlifting Supplements. A male employee at FCI Fort Worth pled guilty to one count of 18 USC 1791, Introduction of Contraband in Prison. The subject was fined $250. His employment was terminated.

- As of September 30, 2012, 10 allegations of Sexual Abuse reported during Fiscal Year 2012 were sustained: 7 involved BOP employees, 1 involved an employee working in a contract/halfway house facility, 2 involved staff working in privatized facilities.

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. 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

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 predicating 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

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.).

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.

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.

During Fiscal Year 2012, the OIA opened 5,580 cases involving 6,700 BOP employees, 38 contract employees working in BOP facilities, 90 Public Health Service employees working in BOP facilities, 4 volunteers working in BOP facilities, 217 contract/ halfway house employees, and 270 employees working in privatized facilities. These 5,580 cases represent a 17 percent increase over the 4,770 cases opened during Fiscal Year 2011. The rate of reported misconduct among BOP employees increased 18.8 percent over Fiscal Year 2011.

The 5,580 cases opened during Fiscal Year 2012 were classified as follows:

Classification 1 1,412
Classification 2 1,604
Classification 3 2,564

Cases classified as Classification 2 offenses showed the largest increase over those cases opened in Fiscal Year 2011 (a 30.6 percent increase). Both Classification 1 and Classification 3 offenses also showed an increase over those cases opened in Fiscal Year 2011 (17.3 percent and 9.7 percent, respectively).

Table 1: Types of Reported Misconduct - FY 2012					
Type of Misconduct	Number of Reported Allegations				
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL	% Change From FY 2011
Unprofessional Conduct	985	619		1604	31.4
On-Duty Misconduct	655	810		1465	25.5
Abuse of Inmates	1311			1311	35.6
Personnel Prohibitions		740	62	802	2.4
Failure to Follow Policy	461	306		767	-3.0
Fiscal Improprieties	132	492		624	29.5
Inappropriate Relationships With Inmates	606			606	7.4
Inattention to Duty	263	334		597	54.7
Sexual Abuse of Inmates	558			558	42.3
Introduction of Contraband	444	92		536	-.4
Off-Duty Misconduct			536	536	-4.5
Breach of Security	256	248		504	26.3
Investigative Violations		172		172	28.4
Unauthorized Release of Information	84	37		121	12.0
Bribery	117	2		119	17.8
Discrimination	18	1		19	-52.5

Table 1 provides a breakdown of those categories of misconduct reported during Fiscal Year 2012. The only categories of misconduct which showed a decrease from Fiscal Year 2011 were Discrimination (a 52.5 percent decrease), Off-Duty Misconduct (a 4.5 percent decrease), Failure to Follow Policy (a 3.0 percent decrease), and Introduction of Contraband (a .4 percent decrease). The categories of misconduct which showed the largest increases were Inattention to Duty (a 54.7 percent increase), Sexual Abuse of Inmates (a 42.3 percent increase), and Abuse of Inmates (a 35.6 percent increase).

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 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 5,580 cases opened during Fiscal Year 2012, 29 cases involved Patriot Act violations. As of September 30, 2012, 12 cases remained open pending investigation, and 17 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 2012 and were closed as of September 30, 2012. 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 2011.

As of September 30, 2012, a decision had been made on 2,007 (36 percent) of the 5,580 cases opened during Fiscal Year 2012. The remaining 3,573 cases (64 percent) were still open and being investigated. Of the 2,007 cases closed, the majority, 1,840 (91.7 percent), were investigated at the institution level with authorization and monitoring provided by the OIA. Of the 2,007 cases closed, 114 were OIA on-site investigations (5.7 percent), and 52 (2.6 percent) were investigated by the OIG. The remaining case was investigated by the Office of Special Counsel (Hatch Act Violation).

Of the 2,007 cases closed, 442 (22 percent) were sustained. Misconduct was sustained against 382 BOP employees, 3 contract employees working in BOP facilities, 9 PHS employees working in BOP facilities, 33 contract/halfway house employees, and 56 employees working in privatized facilities.

BOP Employees

There were 6,700 BOP employees identified as misconduct subjects in cases opened during Fiscal Year 2012. As of September 30, 2012, a decision had been made for 34.1 percent of those employees. Of the 34.1 percent (or 2,288 employees), 16.7 percent (382) had a sustained decision (a rate of 1 employee per 100 total BOP staff).

Of the 6,700 BOP employees for whom a case was opened during Fiscal Year 2012, 300 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, 2012. The most frequently sustained category of misconduct was Personnel Prohibitions (within this category Absent Without Leave was sustained with the greatest frequency), followed by On-Duty Misconduct (within this category Failure to Follow Supervisor's Instructions was sustained with the greatest frequency) and Fiscal Improprieties (within this category Misuse of Travel Charge Card was sustained with the greatest frequency).

Table 2: Types of Sustained Misconduct for BOP Employees - FY 2012 with 34.1 Percent Closed				
Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Personnel Prohibitions		90	6	96
On-Duty Misconduct	13	53		66
Fiscal Improprieties	5	50		55
Failure to Follow Policy	18	32		50
Unprofessional Conduct	16	33		49
Off-Duty Misconduct			33	33
Inattention to Duty	8	25		33
Breach of Security	16	16		32
Inappropriate Relationships With Inmates	27			27
Introduction of Contraband	10	9		19
Investigative Violations		8		8
Sexual Abuse of Inmates	7			7
Unauthorized Release of Information	2	1		3
Bribery	1	0		1
Abuse of Inmates	0			0
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.

Closed/Sustained 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;
- 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	128
Suspension	86
No Action Taken	65
Resignation	58
Retirement	19
Termination	13
Combined With Action in Another OIA Matter	10
Demotion	1
Oral Reprimand	1
Other	1

The specific type of misconduct most frequently sustained against those individuals for whom no disciplinary action was taken was Absent Without Leave (20 percent of all sustained misconduct for staff in this group).

- **Gender**

There were 5,019 male BOP employees identified as misconduct subjects in Fiscal Year 2012. As of September 30, 2012, a decision had been made for 34.1 percent of those 5,019 male employees. Of the 34.1 percent (or 1,712 male employees), 15.5 percent (266) had a sustained decision (a rate of .97 employees per 100 total male BOP staff).

There were 1,381 female BOP employees identified as misconduct subjects in Fiscal Year 2012. As of September 30, 2012, a decision had been made for 34.8 percent of those 1,381 female employees. Of the 34.8 percent (or 481 female employees), 24.1 percent (116) had a sustained decision (a rate of 1.1 employees per 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, 2012. The most frequently sustained category of misconduct among both male and female staff was Personnel Prohibitions (22 percent of all sustained misconduct by male staff and 15.9 percent of all sustained misconduct among female staff). Within this category Absent Without Leave was sustained with the greatest frequency.

Table 3: Types of Sustained Misconduct for Male BOP Employees - FY 2012 With 34.1 Percent Closed

Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Personnel Prohibitions		66	5	71
On-Duty Misconduct	7	41		48
Fiscal Improprieties	0	36		36
Unprofessional Conduct	13	23		36
Failure to Follow Policy	10	26		36
Off-Duty Misconduct			27	27
Breach of Security	11	10		21
Inattention to Duty	3	17		20
Introduction of Contraband	4	6		10
Inappropriate Relationships With Inmates	9			9
Investigative Violations		5		5
Sexual Abuse of Inmates	1			1
Bribery	1	0		1
Unauthorized Release of Information	0	1		1
Abuse of Inmates	0			0
Discrimination	0	0		0

Table 4: Types of Sustained Misconduct for Female BOP Employees - FY 2012 With 34.8 Percent Closed				
Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Personnel Prohibitions		24	1	25
Fiscal Improprieties	5	14		19
Inappropriate Relationships With Inmates	18			18
On-Duty Misconduct	6	12		18
Failure to Follow Policy	8	6		14
Inattention to Duty	5	8		13
Unprofessional Conduct	3	10		13
Breach of Security	5	6		11
Introduction of Contraband	6	3		9
Sexual Abuse of Inmates	6			6
Off-Duty Misconduct			6	6
Investigative Violations		3		3
Unauthorized Release of Information	2	0		2
Abuse of Inmates	0			0
Discrimination	0	0		0
Bribery	0	0		0

- **Job Discipline**

As of September 30, 2012, 382 BOP employees identified as misconduct subjects during Fiscal Year 2012 had a sustained decision. Table 5 reflects the rate of misconduct among the various job disciplines.

Table 5: Discipline of BOP Employees With Sustained Misconduct - FY 2012 With 34.1 Percent Closed

	Number of Employees With Sustained Misconduct	Total Employees	Rate Per 100 Total Employees
Community Corrections	3	173	1.7
Health Services/Safety	40	2611	1.5
Recreation	9	764	1.2
Food Service	20	1655	1.2
Correctional Services	191	16984	1.1
CEO's Office & Staff	9	918	1.0
Unit Management	34	3291	1.0
Education & Vocational Training	11	1072	1.0
Inmate Services	2	203	1.0
Records/Inmate Systems	10	1046	1.0
Computer Services	2	245	.8
Psychology Services	9	1132	.8
Facilities	16	2415	.7
UNICOR	5	895	.6
Human Resources	2	455	.4
Business Office	12	1749	.4
Religious Services	1	320	.3
Central Office/National Institute of Corrections	4	1265	.3
Training Centers	0	79	0

The types of misconduct among Community Corrections staff were Misuse of Travel Charge Card, Inattention to Duty, and Failure to Follow Policy (33 percent each of the total sustained misconduct among staff in this group). The most frequently sustained type of misconduct among

Health Services/Safety staff was Misuse of Travel Charge Card (15.1 percent of all misconduct among staff in this group).

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

Of the 382 BOP employees with a sustained decision as of September 30, 2012, 306 were bargaining unit employees and 76 were non-bargaining unit employees. The rate of sustained misconduct among bargaining unit employees was 1 per 100 total bargaining unit employees, while the rate of sustained misconduct among non-bargaining unit employees was 1.3 per 100 total non-bargaining unit employees.

Contract/Halfway House Employees

There were 217 contract/halfway house employees identified as misconduct subjects in Fiscal Year 2012. As of September 30, 2012, a decision had been made for 57 percent of those 217 employees. Of the 57 percent (or 124 employees), 26.7 percent (33) had a sustained decision. It is significant to note that an administrative disposition was recorded for 50 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 26.7 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 42 percent of all sustained misconduct among this group.

Table 6: Types of Sustained Misconduct for Contract/Halfway House Employees - FY 2012 With 57 Percent Closed				
Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Inappropriate Relationships With Inmates	16			16
Investigative Violations		5		5
Personnel Prohibitions		4	0	4
On-Duty Misconduct	2	2		4
Unprofessional Conduct	1	1		2
Failure to Follow Policy	2	0		2
Abuse of Inmates	1			1
Sexual Abuse of Inmates	1			1
Introduction of Contraband	1	0		1
Fiscal Improprieties	0	1		1
Off-Duty Misconduct			1	1
Discrimination	0	0		0
Bribery	0	0		0
Unauthorized Release of Information	0	0		0
Inattention to Duty	0	0		0
Breach of Security	0	0		0

Staff in Privatized Facilities

There were 270 employees working in privatized facilities identified as misconduct subjects during Fiscal Year 2012. As of September 30, 2012, a decision had been made for 39.3 percent of those 270 employees. Of the 39.3 percent (or 106 employees), 52.8 percent (56) 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 23 percent of all misconduct among this group.

Table 7: Types of Sustained Misconduct for Staff in Privatized Facilities - FY 2012 With 39.3 Percent Closed

Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Inappropriate Relationships With Inmates	17			17
On-Duty Misconduct	4	9		13
Unprofessional Conduct	11	1		12
Inattention to Duty	0	6		6
Failure to Follow Policy	5	0		5
Introduction of Contraband	2	2		4
Investigative Violations		4		4
Personnel Prohibitions		2	1	3
Abuse of Inmates	2			2
Sexual Abuse of Inmates	2			2
Fiscal Improprieties	1	1		2
Unauthorized Release of Information	0	1		1
Off-Duty Misconduct			1	1
Breach of Security	0	1		1
Discrimination	0	0		0
Bribery	0	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 2012.

As of September 30, 2012, a decision had been made for 34.2 percent of the 38 contract employees. Of the 38 percent (or 13 contract employees), 23.1 percent (3) had a sustained decision. Two allegations of Inappropriate Relationship with Inmates were sustained, and one allegation each of Introduction of Contraband, Unauthorized Release of Information, and Failure to Follow Policy were sustained.

As of September 30, 2012, a decision had been made for 25 percent of the 4 volunteers. Of the 25 percent (or 1 volunteer), none had a sustained decision.

PHS Employees Working in BOP Facilities

Of the approximately 835 PHS employees working in BOP facilities, 90 were identified as misconduct subjects during Fiscal Year 2012 (or 10.8 per 100 PHS employees). As of September 30, 2012, a decision had been made for 30 percent of those 90 PHS employees. Of the 30 percent (or 27 PHS employees), 33.3 percent (9) had a sustained decision, for a sustained rate of 1.1 per 100 PHS employees. The most frequently sustained type of misconduct among PHS employees was Unprofessional Conduct (4 sustained allegations or 28.6 percent of all sustained misconduct among staff in this group), followed by Inappropriate Relationships with Inmates (3 sustained allegations or 21.4 percent of all sustained misconduct among staff in this group). Other types of sustained misconduct were: Fiscal Improprieties (2 sustained allegations), Other On-Duty Misconduct (2 sustained allegations), Off-Duty Misconduct (1 sustained allegation), Breach of Security (1 sustained allegation), and Failure to Follow Policy (1 sustained allegation).

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 2012, 812 allegations of Physical Abuse of Inmates were either reported to the OIA or detected during the course of an investigation. As of September 30, 2012, a decision had been made for 43.3 percent (or 352) of those allegations. Allegations of 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). No allegations of Physical Abuse were sustained as of September 30, 2012.

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 subjection, 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 facility escape from a prison;

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

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

(E) any United States or foreign currency; and

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

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

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

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

- **Statistics**

During Fiscal Year 2012, 536 allegations of Introduction of Contraband were either reported or detected during the course of an investigation. As of September 30, 2012, a decision had been made for 29.7 percent (or 159) of those allegations. Twenty-five allegations of Introduction of Contraband have been sustained to date:

Type of Contraband	Inmate Related	Non Inmate Related
Soft Item	11	2
Weapons	0	2
Unauthorized Electronic Device	2	7
Creatine/Weightlifting Supplements	1	0

Twenty-five individuals were involved in the sustained allegations of Introduction of Contraband. Nineteen of these individuals were BOP employees (5 were male Correctional Services employees, 5 were female Health Services/Safety employees, 3 were female Correctional Services Employees, 1 was a male Business Office employee, 1 was a male Unit Management employee, 1 was a male Inmate Services employee, 1 was a male Facilities

employee, 1 was a male Recreation employee, and 1 was a female in the CEO's Office & Staff). One individual was a contract employee working in a BOP facility, one was a contract/halfway house employee, and four were staff in privatized facilities.

A male employee at FCI Fort Worth, who was also involved in a sexual relationship with a male inmate, admitted he introduced 5 pornographic magazines into the institution at the inmate's request and provided the inmate with a greeting card which stated, "Love you for life." The employee plead guilty to one count of 18 USC, 1791, Introduction of Contraband in Prison. He was fined $250.00. The subject resigned his employment.

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 -

(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.

(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

(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 2012, 558 allegations of Sexual Abuse were either reported to the OIA or detected during the course of an investigation. Of the 558 allegations, 466 involved BOP employees, 5 involved contract employees working in BOP facilities, 6 involved Public Health Service (PHS) employees working in a BOP facility, 62 involved staff working in contract/halfway house facilities, and 20 involved staff working in privatized facilities.

The types of allegations reported with the most frequency were Unprofessional Conduct of a Sexual Nature between male staff and male inmates (135 reported allegations) and Abusive Sexual Contact (§2244) between male staff and male inmates (101 reported allegations).

As of September 30, 2012, 10 allegations of sexual abuse reported during Fiscal Year 2012 were sustained. Of the 10 allegations, 7 involved BOP employees, 1 involved an employee working in a contract/halfway house facility, and 2 involved staff working in privatized facilities. Three hundred thirty allegations reported during Fiscal Year 2012 were pending.

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

Sexual Abuse/Sexual Abuse of a Ward between a female Correctional Services employee at FCC Terre Haute and a male inmate. This matter was investigated by the OIG. The subject admitted having sexual intercourse with the inmate in the back seat of a BOP patrol vehicle. The subject also admitted she gave the inmate a necklace, and she communicated with the inmate via cellular telephone and Facebook. The subject was convicted of Sexual Abuse of a Ward in the Southern District of Indiana. She was sentenced to 36 months probation and 80 hours of community service and fined $1,500. The subject resigned her employment. (2012-01144/OIG 2012001400)

Abusive Sexual Contact (Male Staff/Male Inmate)

Abusive Sexual Contact between a male Correctional Services employee at FCI Fort Worth and a male inmate. This matter was investigated by the OIG. The subject admitted he and the inmate hugged and kissed and massaged each others' crotch through their clothing. The subject also admitted he provided the inmate with lubricant and watched while the inmate masturbated. The subject admitted he routinely gave the inmate food which he brought from outside the institution, and he provided the inmate with five pornographic magazines. The subject pled

guilty to one count of Introduction of Contraband in Prison in the Northern District of Texas. He was fined $250. The subject resigned his employment. (2012-02411/OIG 2012003021)

Abusive Sexual Contact (Female Staff/Male Inmate)

Abusive Sexual Contact between a female employee at the Willacy County Correctional Center and a male inmate. The OIG deferred this matter to the BOP for administrative resolution. The subject admitted engaging in a romantic relationship with the inmate. She admitted kissing the inmate and touching him on his penis, chest, hair, and hands. She also admitted the inmate touched her on her buttocks, face, and hands. Finally, the subject admitted giving the inmate pens and food and accepting a drawing from him. The subject resigned her employment. (2012-04795/OIG 2012006251)

Abusive Sexual Contact between a female employee at MCFP Springfield and a male inmate. This matter was investigated by the OIG. The subject admitted hugging and kissing the inmate and touching his genitalia. She also admitted giving the inmate food and personal letters. Prosecution was not contemplated. The subject resigned her employment. (2012-01671/OIG 2012002422)

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. The subject admitted he tried to kiss the inmate on three occasions, and he placed his hand on her upper thigh. The subject resigned his employment. (2012-00236/OIG 2012000275)

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

Unprofessional Conduct of a Sexual Nature between a female Education and Vocational Training employee at USP Atwater and a male inmate. This matter was investigated by the OIG. A review of the inmate's telephone calls revealed he was having a relationship with the subject. The subject was placed under video surveillance. The video surveillance revealed the inmate asked the subject to have sexual intercourse with him, but she declined. The subject also declined a second request to have sexual intercourse, but she showed the inmate a vaginal contraceptive and stated, "Look what I got." The subject and the inmate entered a storage room twice where they embraced and kissed. Prosecution was not contemplated. The subject resigned her employment. (2012-01373/OIG 2012001701)

Unprofessional Conduct of a Sexual Nature between a female employee at a contract/halfway house facility and a male inmate. This matter was investigated by the OIG. The subject admitted she kissed the inmate on three occasions. She also admitted she provided the inmate with cards, letters, and sexually-provocative pictures of herself. Prosecution was not contemplated. The subject resigned her employment. (2012-03487/OIG 2012004600)

Unprofessional Conduct of a Sexual Nature between a female employee at FCI Otisville and a male inmate. The OIG deferred this matter to the BOP for administrative resolution. The subject admitted kissing the inmate and holding hands with the inmate. She also admitted introducing tobacco for the inmate and corresponding with the inmate and his family regarding her work history, training dates, days off, and personal interests. The subject resigned her employment. (2012-03922/OIG 2012005276)

Unprofessional Conduct of a Sexual Nature between a female Health Services employee at FMC Lexington and a male inmate. The OIG deferred this matter to the BOP for administrative resolution. The subject admitted she and the inmate e-mailed one another, passed notes, kissed, and hugged. The subject also admitted she sent the inmate $300 through his sister, and she brought a polishing cloth into the institution so the inmate could polish his gold teeth. The subject resigned her employment. (2012-04406/OIG 2012005718)

Unprofessional Conduct of a Sexual Nature between a female Correctional Services employee at FCI Pekin and a male inmate. This matter was investigated by the OIG. The subject admitted writing letters of a sexual nature to the inmate, talking to him on the telephone, and sending money to his account. The subject also admitted sending text messages to who she believed to be the inmate's uncle but was actually the OIG. Prosecution was not contemplated. The subject resigned her employment. (2012-05259/OIG 2012006955)

Failure to Follow Supervisor's Instructions

A Supervisor of Education asked a Teacher when he would like to attend Annual Refresher Training (ART). The Teacher asked to attend during the week of January 31, 2012. The Supervisor of Education instructed the Teacher to select another week because two Teachers were already scheduled to attend during the week of January 31, 2012. The Supervisor of Education was away from the institution from January 20, 2012, until February 2, 2012. Upon his return, he learned the Teacher attended ART during the week of January 31, 2012. Outcome: Failure to Follow Supervisor's Instructions was sustained. The Teacher received a written reprimand.

Unprofessional Conduct

An inmate threw his food tray out of his cell, and it landed on the floor. A Correctional Officer threw the food tray back into the cell, splattering food on the cell door. The incident was captured on video. Outcome: Unprofessional Conduct was sustained. The Correctional Officer received a written reprimand. .

A Food Service Administrator and a Facilities Manager engaged in a heated argument about relocating the trash dumpster. Both staff admitted using profanity and shouting at one another. While both staff alleged the other initiated physical contact with the other, staff witnesses to the incident recalled no physical contact. Outcome: Unprofessional Conduct was sustained. The Food Service Administrator was suspended for 14 days, and the Facilities Manager was suspended for 3 days.

Use/Abuse of Illegal Drugs/Alcohol

A Case Manager provided a urine specimen during a random drug test. The specimen tested positive for the use of cocaine. Outcome: Use/Abuse of Illegal Drugs/Alcohol was sustained. The Case Manager's employment was terminated.

Misuse of Travel Charge Card

A Dental Officer used her government-issued travel charge card to make personal purchases at Expedia and a hotel. The employee was not on official travel at the time of the charges. Outcome: Misuse of Travel Charge Card was sustained. The Dental Officer received a written reprimand.

Failure to Follow Policy

An inmate who was assigned to a residential reentry center (RRC) was arrested and detained by local police as a suspect in a stabbing. The stabbing victim ultimately died of his wounds. The RRC Director reported the arrest to a Community Corrections Specialist. The Community Corrections Specialist failed to contact the U.S. Marshals Service to place a detainer on the

inmate. This oversight resulted in the inmate posting bond and being released from the custody of local police. Outcome: Failure to Follow Policy was sustained. The Community Corrections Specialist received a written reprimand.

Inattention to Duty

A Medical Officer inadvertently left a folder containing sensitive inmate medical information on a bench in an inmate television room. The Medical Officer stated she laid the folder down while attempting to break up a fight between two inmates. An inmate recovered the folder and returned it to the nursing station 15 minutes later. Outcome: Inattention to Duty was sustained. The Medical Officer received a written reprimand.

Breach of Security

A Camp Administrator entered a restroom prior to leaving the institution at the end of her shift. She inadvertently left her keys in the restroom. An inmate ordered found the keys the following morning and returned them to staff. The area where the restroom was located was secured overnight, and inmates did not have access to the area until the following morning. Outcome: Breach of Security was sustained. The Camp Administrator received a written reprimand.

Refusing to Cooperate; Failure to Pay Just Debts

During a background investigation, it was discovered a Correctional Officer had outstanding debts in the community totaling over $5,000. The Correctional Officer was given several opportunities to rectify his financial issues; however, he did not cooperate with the person conducting his background investigation. Outcome: Refusing to Cooperate and Failure to Pay Just Debts were sustained. The Correctional Officer was suspended for three days.

Unauthorized Electronic Device Introduction

An Associate Warden entered the secure perimeter of the institution with a personal cellular telephone and a government -issued cellular telephone in her possession. She was not authorized to enter the institution with either electronic device. Outcome: Unauthorized Electronic Device Introduction was sustained. The Associate Warden received a written reprimand.

Significant Prosecutions

Following are brief summaries of some of the significant or noteworthy prosecutions which were completed during Fiscal Year 2012. The individuals referenced are no longer employed by the BOP or any BOP contractor.

- During an OIG investigation a Correctional officer admitted he met with inmates' relatives and received approximately $20,000 from them in exchange for introducing tobacco to inmates. The Correctional Officer pled guilty to Bribery (Title 18 USC, §201(b)(2)(C). He was sentenced to 5 years probation and 350 hours of community service. Further, the Correctional Officer is banned from working for any corrections agency (federal, state, or local). (2008-00999)

- An inmate told the OIG he gave a Correctional Officer $3,000 in U.S. currency in exchange for introducing tobacco into the facility. Subsequently, the inmate's girlfriend reportedly mailed the Correctional Officer approximately $13,000 as additional bribes for tobacco smuggling. When interviewed by the OIG, the Correctional Officer provided a sworn affidavit in which he denied the allegations. When told the OIG had contrary evidence, the Correctional Officer terminated his interview. Soon after his OIG interview, the Correctional Officer applied for a medical disability retirement, which was approved. The OIG's investigative findings and the suspicious circumstances of the Correctional Officer's retirement were provided to the Office of Personnel Management for review. The Correctional Officer ultimately pled guilty to making false statements during his OIG interview, a violation of 18 USC, §1001. He was sentenced to 36 months probation. (2009-01238)

- During an OIG investigation a Correctional Officer admitted accepting money from an inmate in exchange for providing him cigarettes and cigars in the future. The Correctional Officer also admitted bringing in protein supplements for another inmate in exchange for monetary payments. The Correctional Officer admitted receiving approximately $5,000 from the inmates in exchange for introducing contraband. The subject pled guilty to one count of Bribery (Title 18 USC, §201(b)(2)(C)). He was sentenced to 24 months imprisonment, followed by one year of supervised release. (2010-00131)

- During an OIG investigation a Materials Handler Supervisor admitted she introduced four boxes of contraband (soda, cookies, and t-shirts) into the facility and provided the contraband to an inmate. The Materials Handler Supervisor also admitted she agreed to bring a cellular telephone into the facility for the inmate. Further, the Materials Handler Supervisor admitted she stole bed sheets, t-shirts, and shower shoes from the facility and sold the stolen items at local flea markets. The Materials Handler Supervisor was convicted of Theft (Title 18 USC, §641). She was sentenced to 2 years probation and ordered to seek mental health counseling and perform 40 hours of community service. She was also ordered to pay $624 in restitution. (2010-03080)

- A joint OIG and Federal Bureau of Investigations (FBI) investigation determined a Halfway House Director embezzled $184,076.17 from the halfway house by misusing debt cards issued to her and her assistant. The Halfway House Director used the debit cards to purchase inventory to sell through her personal on-line business. The Halfway House Director pled guilty to an indictment charging her with theft concerning a program receiving federal funds. She was sentenced to 18 months incarceration followed by 3 years of supervised release. The Halfway House Director was also ordered to pay restitution in the amount of $162,421.17. (2010-04287)

- During a voluntary interview with the OIG and the Department of Labor, a union official admitted to making unauthorized ATM cash withdrawals and writing unauthorized checks from the union local's checking account. The union official pled guilty to Wire Fraud (Title 18, §1343). As part of a plea agreement, she repaid a total of $16,570.17 she stole from the union local's account. She was sentenced to 4 months home confinement and 36 months probation. She was also ordered to successfully participate in a mental health counseling program. (2011-01525)

- An OIG investigation determined a Correctional Officer received multiple bribes in the form of pre-paid credit cards and Western Union transfers. In exchange, he supplied multiple inmates with contraband, including: tobacco products, cellular telephones, electronics, jewelry, fitness supplements, and alcohol. The Correctional Officer pled guilty to an indictment charging him with Bribery of a Public Official (Title 18 USC, §201(b)(2)(A). He was sentenced to 24 months incarceration, followed by 36 months of supervised release. He was also ordered to forfeit $15,000 in proceeds of the offense, although the court settled for $5,000. (2011-02065)

- An OIG investigation was initiated based on information from a civilian that a Resident Monitor at a contract/halfway house facility was involved in an inappropriate relationship with an inmate. When initially interviewed by the OIG, the Resident Monitor denied any type of inappropriate relationship with the inmate, to include telephone conversations. After being confronted with telephone records, the Resident Monitor admitted she had several conversations with the inmate on the evening of his escape from the facility. In addition, the Resident Monitor admitted she allowed the inmate to kiss her on several occasions. The Resident Monitor pled guilty to a one count indictment of Making a False Statement (18 USC, §1001). She was sentenced to 3 years probation and 300 hours of community service. (2011-02974)

- A civilian received a letter from Equifax Information Services notifying her that the BOP had conducted a credit check on her based on a recent application for employment. The civilian denied applying for employment with the BOP. The civilian stated she and her spouse were in the midst of a contentious divorce, and her spouse's daughter was employed by the BOP as a Human Resources Specialist. The OIG obtained a BOP Usage Report indicating the Human Resources Specialist conducted credit report queries on her

stepmother, her father, and herself. During an interview with the OIG, the Human Resources Specialist claimed she ran the credit report queries of her father and stepmother in order to pre-screen her father for employment as a contractor with the BOP. The Human Resources Specialist claimed he had written consent from both her father and stepmother. The signatures on the consent documents were ultimately determined to be forgeries. The Human Resources Specialist signed a Plea Agreement to a Criminal Information charging her with one count of a False Statement (Title 18 USC, §1018). She was sentenced to 6 months probation and 50 hours of community service, and fined $500. (2012-00603)

Types of Sustained Misconduct for BOP Employees - FY 2011 With 78.1 Percent Closed				
	Number of Sustained Allegations			
Type of Misconduct	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Personnel Prohibitions		303	21	324
Failure to Follow Policy	112	125		237
Unprofessional Conduct	52	182		234
On-Duty Misconduct	51	167		218
Off-Duty Misconduct			200	200
Fiscal Improprieties	13	142		155
Inattention to Duty	49	85		134
Breach of Security	52	64		116
Inappropriate Relationships With Inmates	89			89
Introduction of Contraband	34	37		71
Investigative Violations		50		50
Abuse of Inmates	20			20
Unauthorized Release of Information	8	3		11
Bribery	8	0		8
Sexual Abuse of Inmates	6			6
Discrimination	0	0		0

Appendix

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[1]
Failure to Respond to an Emergency
Failure to Properly Supervise Inmates
Breach of Security[1]
Breach of Computer Security[1]
Falsification of Documents
Unprofessional Conduct[1]
Failure to Follow Policy[1]
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

Appendix

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

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

Monitoring Assignments

Effective October 17, 2012

Alderson, WV	(b)(6),(b)(7)(C),(b)(7)(F)
Aliceville, AL	
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	
Guaynabo, PR	
Hazelton, WV	

Herlong, CA	(b)(6),(b)(7)(C),(b)(7)(F)
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	
Ray Brook, NY	
Rochester, MN	

Monitoring Assignments

Effective October 17, 2012

Safford, AZ	(b)(6),(b)(7)(C),(b)(7)(F)
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	(b)(6),(b)(7)(C),(b)(7)(F)
Terre Haute, IN	
Texarkana, TX	
Three Rivers, TX	
Tucson, AZ	
Victorville, CA	
Waseca, MN	
WRO, CA	
Williamsburg, SC	
Yankton, SD	
Yazoo City, MS	