

U.S. Department of Justice
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

Reporting Incidents of Misconduct

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.

