

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

Office of Internal Affairs Report for Fiscal Year 2015



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Executive Summary of Findings

- There was a .06 percent increase in the number of cases opened in Fiscal Year 2015 as compared with Fiscal Year 2014. The rate of reported misconduct among BOP employees decreased 3.7 percent from Fiscal Year 2014.
- Cases classified as Classification 1 offenses showed a decrease of 15.6 percent, while cases classified as Classification 3 offenses showed an increase of 7.4 percent. Cases classified as Classification 2 offenses showed an increase of only .23 percent.
- The most frequently reported type of misconduct in Fiscal Year 2015 was Unprofessional Conduct. On-Duty Misconduct and Personnel Prohibitions placed second and third, respectively.
- The only categories of reported misconduct which showed an increase from Fiscal Year 2014 were Introduction of Contraband, Personnel Prohibitions, Off-Duty Misconduct, and Unauthorized Release of Information. The largest decreases occurred in the categories of Discrimination and Sexual Abuse of Inmates.
- During Fiscal Year 2015, 15 cases involving Patriot Act Violations were opened. As of September 30, 2015, 9 cases remained open pending investigation, and 6 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, 2015, was Personnel Prohibitions, followed by Unprofessional Conduct.
- The sustained rate of misconduct for male BOP employees for whom a decision had been made as of September 30, 2015, was .66 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, 2015, was .71 employees per 100 total female BOP staff.
- The most frequently sustained category of misconduct among both male and female BOP employees for whom a decision had been made as of September 30, 2015, was Personnel Prohibitions.
- For those BOP employees with a sustained decision as of September 30, 2015, the rate was highest among Human Resources staff. The most frequently sustained type of misconduct among staff in this group was Inattention to Duty.
- For those BOP employees with a sustained decision as of September 30, 2015, the rate was higher for bargaining unit employees than for non-bargaining unit employees

Executive Summary of Findings

- (.69 per 100 total bargaining unit employees vs. .58 per 100 total non-bargaining unit employees.
- For those Residential Reentry Center employees with a sustained decision as of September 30, 2015, the most frequently sustained category of misconduct was Inappropriate Relationships with Inmates. The most frequently sustained category of misconduct for staff in privatized facilities with a sustained decision as of September 30, 2015, was Failure to Follow Policy.
 - As of September 30, 2015, 3 allegations of Physical Abuse reported during Fiscal Year 2015 were sustained. The inmates involved sustained minor/no injuries. None of the subjects involved were criminally prosecuted.
 - As of September 30, 2015, 20 allegations of Introduction of Contraband reported during Fiscal Year 2015 were sustained, involving 18 individuals. Ten involved the introduction of unauthorized electronics devices, 8 involved the introduction of weapons (5 handguns and 3 other weapons), and 2 involved the introduction of soft contraband. None of the subjects involved were criminally prosecuted for introducing contraband.
 - As of September 30, 2015, 6 allegations of Sexual Abuse reported during Fiscal Year 2015 were sustained: 2 involved BOP employees, 1 involved a residential reentry center employee, and 3 involved employees working in privatized facilities. One of the subjects (from a privatized facility) pled guilty to False Statements and Aiding and Abetting. She was sentenced to 6 months incarceration and 1 year supervised release. She was also ordered to pay a \$5,000 fine.

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-A715.012) is used to organize the information to be provided (for contract employees use form BP-A774.012). 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-A715.012) 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-S715.012 or BP-S774.012) 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

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., 2015-00001-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-A716.012) 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). Documents should be scanned in three groups, named as follows:

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

Photo images and graphic images may be forwarded in .jpg or .gif format.

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

Review of Local Staff Misconduct Investigations

Time Guidelines

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

Once received, the OIA will complete their review of the local investigative packet within ten business days. The investigator will be advised as to whether the investigative packet is approved or if additional information is needed. This information will be sent via e-mail to the investigator with a copy to the CEO. If additional information is needed, the investigator should forward the additional information to the OIA within 30 calendar days, who will again notify the investigator and the CEO if the packet is approved. Once approved, the investigator should forward the investigative packet to the CEO for appropriate action with **all** Review of Local Investigative Packet forms applicable to that packet attached. **No disciplinary proceedings or other notifications to subjects should occur prior to the OIA's approval of the investigative packet.**

Reports from the OIA

The OIA sends the CEO a monthly report of all local staff misconduct investigations which have extended past established time frames. SIAs/SISs should continue to work with the monitoring agent assigned to their facility for guidance and to provide updates on outstanding matters.

Reported Misconduct

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

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 2015, the OIA opened 5,206 cases involving 6,102 BOP employees, 20 contract employees working in BOP facilities, 68 Public Health Service (PHS) employees working in BOP facilities, 2 volunteers working in BOP facilities, 119 contract/residential reentry center employees, 1 drug treatment contractor, and 156 employees working in privatized facilities. These 5,206 cases represent a modest .06 percent increase over the 5,203 cases opened during Fiscal Year 2014. The rate of reported misconduct among BOP employees decreased 3.7 percent from Fiscal Year 2014.

The 5,206 cases opened during Fiscal Year 2015 were classified as follows:

Classification 1	1,050
Classification 2	1,334
Classification 3	2,822

Cases classified as Classification 1 offenses showed a decrease of 15.6 percent, while cases classified as Classification 3 offenses showed an increase of 7.4 percent. Cases classified as Classification 2 offenses showed an increase of only .23 percent.

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 2015					
Types of Misconduct	Number of Reported Allegations				
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL	% Change from 2014
Unprofessional Conduct	784	618		1402	0
On-Duty Misconduct	432	761		1193	-14.1
Personnel Prohibitions		920	60	980	23.1
Failure to Follow Policy	544	380		924	-2
Inattention to Duty	394	524		918	0
Abuse of Inmates	838			838	-18.0
Fiscal Improprieties	91	470		561	-15.1
Off-Duty Misconduct			536	536	5.5
Breach of Security	232	301		533	0
Inappropriate Relationships With Inmates	490			490	-16.9
Introduction of Contraband	320	161		481	22.4
Sexual Abuse of Inmates	433			433	-27.2
Investigative Violations		136		136	-13.4
Unauthorized Release of Information	64	31		95	3.3
Bribery	78	0		78	-18.8
Discrimination	3	0		3	-66.7

Table 1 provides a breakdown of those categories of misconduct reported during Fiscal Year 2015. The only categories of reported misconduct which showed an increase from Fiscal Year 2014 were Introduction of Contraband (a 2.4 percent increase), Personnel Prohibitions (a 23.1 percent increase), Off-Duty Misconduct (a 5.5 percent increase), and Unauthorized Release of Information (a 3.3 percent increase). The largest decreases occurred in the categories of Discrimination (a 66.7 percent decrease) and Sexual Abuse of Inmates (a 27.2 percent decrease).

Reported Misconduct

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 5,206 cases opened during Fiscal Year 2015, 15 cases involved Patriot Act violations. As of September 30, 2015, 9 cases remained open pending investigation, and 6 cases were closed. No allegations were sustained.

Of the 5,203 cases opened during Fiscal Year 2014, 17 cases involved Patriot Act violations. As of September 30, 2015, 6 cases remained open pending investigation, and 11 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 2015 and were closed as of September 30, 2015. 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 2015.

As of September 30, 2015, a decision had been made on 1,335 (25.6 percent) of the 5,206 cases opened during Fiscal Year 2015. The remaining 3,871 cases (74.4 percent) were still open and being investigated. Of the 1,335 cases closed, the majority, 1,197 (89.6 percent), were investigated at the institution level with authorization and monitoring provided by the OIA. Of the 1,335 cases closed, 113 were OIA on-site investigations (8.5 percent), and 25 (1.9 percent) were investigated by the OIG.

Of the 1,335 cases closed, 293 (21.9 percent) were sustained. Misconduct was sustained against 261 BOP employees, 5 contract employees working in BOP facilities, 3 PHS

employees working in BOP facilities, 3 contract/residential reentry center employees, and 45 employees working in privatized facilities.

BOP Employees

There were 6,102 BOP employees identified as misconduct subjects in cases opened during Fiscal Year 2015. As of September 30, 2015, a decision had been made for 23.5 percent of those employees. Of the 23.5 percent (or 1,431 employees), 18.2 percent (261) had a sustained decision (a rate of .67 per 100 total BOP employees).

Of the 6,102 BOP employees for whom a case was opened during Fiscal Year 2015, 285 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, 2015. The most frequently sustained category of misconduct was Personnel Prohibitions, followed by Unprofessional Conduct.

Closed/Sustained Misconduct

**Table 2: Types of Sustained Misconduct for BOP Employees - FY 2015
With 25.6 Percent Closed**

Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Personnel Prohibitions		58	7	65
Unprofessional Conduct	14	29		43
Inattention to Duty	15	22		37
On-Duty Misconduct	6	28		34
Fiscal Improprieties	0	33		33
Failure to Follow Policy	6	21		27
Off-Duty Misconduct			24	24
Breach of Security	6	10		16
Introduction of Contraband	0	15		15
Inappropriate Relationships With Inmates	12			12
Investigative Violations		6		6
Abuse of Inmates	2			2
Sexual Abuse of Inmates	2			2
Unauthorized Release of Information	1	1		2
Discrimination	0	0		0
Bribery	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

Closed/Sustained Misconduct

(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 3420.11, Standards of Employee Conduct);
- the notoriety of the offense or its impact on the BOP's reputation;
- the clarity with which the employee was on notice of any rules violated or warned about the conduct in question;
- the employee's potential for rehabilitation;
- any and all mitigating circumstances surrounding the offense (e.g., job stress/tension, personality problems, mental impairment, harassment or bad faith, malice or provocation on the part of others involved);
- the adequacy and effectiveness of alternative sanctions.

The CEO is required to consider only those Douglas factors which are relevant to any individual and need not consider all the Douglas Factors in every case. 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.....	86
Resignation	58
Suspension	48
No Action.....	34
Retirement.....	16
Termination.....	9
Other	6
Combined With Action in Another OIA Matter	3
Reassignment	1

The specific type of misconduct most frequently sustained against those individuals for whom no disciplinary action was taken was Unprofessional Conduct (17.6 percent of all sustained misconduct for staff in this group).

- **Gender**

There were 4,491 male BOP employees identified as misconduct subjects in Fiscal Year 2015. As of September 30, 2015, a decision had been made for 23.3 percent of those 4,491 male employees. Of the 23.3 percent (or 1,048 male employees), 17.7 percent (186) had a sustained decision (a rate of .66 employees per 100 total male BOP staff).

There were 1,326 female BOP employees identified as misconduct subjects in Fiscal Year 2015. As of September 30, 2015, a decision had been made for 24.4 percent of those 1,326 female employees. Of the 24.4 percent (or 323 female employees), 23.2 percent (75) had a sustained decision (a rate of .71 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, 2015. The most frequently sustained category of misconduct among both male and female BOP employees was Personnel Prohibitions, followed by Unprofessional Conduct.

Closed/Sustained Misconduct

**Table 3: Types of Sustained Misconduct for Male BOP Employees - Fiscal Year 2015
With 23.3 Percent Closed**

Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Personnel Prohibitions		39	5	44
Unprofessional Conduct	10	19		29
Fiscal Improprieties	0	27		27
On-Duty Misconduct	5	22		27
Inattention to Duty	11	15		26
Off-Duty Misconduct			20	20
Failure to Follow Policy	4	14		18
Introduction of Contraband	0	11		11
Breach of Security	5	6		11
Inappropriate Relationships With Inmates	7			7
Abuse of Inmates	2			2
Investigative Violations		2		2
Unauthorized Release of Information	1	1		2
Sexual Abuse of Inmates	1			1
Discrimination	0	0		0
Bribery	0	0		0

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

Closed/Sustained Misconduct

Table 4: Types of Sustained Misconduct for Female BOP Employees - Fiscal Year 2015 With 24.4 Percent Closed				
Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Personnel Prohibitions		19	2	21
Unprofessional Conduct	4	10		14
Inattention to Duty	4	7		11
Failure to Follow Policy	2	6		8
On-Duty Misconduct	1	6		7
Fiscal Improprieties	0	5		5
Inappropriate Relationships With Inmates	5			5
Breach of Security	1	4		5
Investigative Violations		4		4
Off-Duty Misconduct			4	4
Introduction of Contraband	0	4		4
Sexual Abuse of Inmates	1			1
Abuse of Inmates	0			0
Discrimination	0	0		0
Bribery	0	0		0
Unauthorized Release of Information	0	0		0

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

Closed/Sustained Misconduct

- **Job Discipline**

As of September 30, 2015, 261 BOP employees identified as misconduct subjects during Fiscal Year 2015 had a sustained decision. Table 5 reflects the rate of misconduct among the various job disciplines.

Discipline	Total Employees	Number of Employees With Sustained Misconduct	Rate Per 100 Total Employees
Human Resources	479	5	1.0
Facilities	2568	24	.93
Psychology Services	1247	11	.88
Recreation	830	7	.84
CEOs Office and Staff	970	8	.82
Food Service	1742	14	.80
Computer Services	253	2	.80
Correctional Services	17647	127	.72
Health Services/Safety	2763	18	.65
Unit Management	3437	22	.64
Religious Services	335	2	.60
Records/Inmate Systems	1087	5	.46
Education & Vocational Training	1103	5	.45
Business Office	1738	6	.35
Central Office/Staff Training Centers	1187	4	.34
UNICOR	655	1	.2
Inmate Services	339	0	0

The most frequently sustained type of misconduct among Human Resources staff was Inattention to Duty (40 percent of all misconduct among staff in this group). The most frequently sustained types of misconduct among Facilities staff were Inattention to Duty and Failure to Follow Policy (13.9 percent each of all misconduct among staff in this group).

Closed/Sustained Misconduct

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

Of the 261 BOP employees with a sustained decision as of September 30, 2015, 225 were bargaining unit employees and 36 were non-bargaining unit employees. The rate of sustained misconduct among bargaining unit employees was .69 per 100 total bargaining unit employees, while the rate of sustained misconduct among non-bargaining unit employees was .58 per 100 total non-bargaining unit employees.

Residential Reentry Center Employees

There were 143 contract/residential reentry center employees identified as misconduct subjects in Fiscal Year 2015. As of September 30, 2015, a decision had been made for 36.4 percent of those 143 employees. Of the 36.4 percent (or 52 employees), 5.8 percent (3) had a sustained decision. It is significant to note that an administrative disposition was recorded for 76.9 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 5.8 percent sustained rate is likely an extremely conservative figure.

Two allegations of Inappropriate Relationships With Inmates were sustained against Residential Reentry Center employees, and one allegation each of Sexual Abuse of Inmates, Other On-Duty Misconduct (inmate related), Failure to Follow Policy (inmate related), and Fiscal Improprieties (non-inmate related) were sustained against Residential Reentry Center employees.

Staff in Privatized Facilities

There were 180 employees working in privatized facilities identified as misconduct subjects during Fiscal Year 2015. As of September 30, 2015, a decision had been made for 58.9 percent of those 180 employees. Of the 58.9 percent (or 106 employees), 42.5 percent (45) had a sustained decision.

Table 6 (on the following page) provides a breakdown of the categories of misconduct sustained against employees working in privatized facilities. The most frequently sustained categories of misconduct for staff working in privatized facilities were Failure to Follow Policy (19.1 percent of all sustained misconduct among this group) and Inappropriate Relationships With Inmates (14.7 percent of all sustained misconduct among this group).

Closed/Sustained Misconduct

Table 6: Types of Sustained Misconduct for Staff in Privatized Facilities - Fiscal Year 2015 With 58.9 Percent Closed				
Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Failure to Follow Policy	4	9		13
Inappropriate Relationships With Inmates	10			10
On-Duty Misconduct	2	7		8
Breach of Security	0	7		7
Unprofessional Conduct	5	2		7
Investigative Violations		5		5
Abuse of Inmates	4			4
Introduction of Contraband	3	1		4
Inattention to Duty	2	2		4
Sexual Abuse of Inmates	3			3
Fiscal Improprieties	0	1		1
Bribery	1	0		1
Personnel Prohibitions		1	0	1
Discrimination	0	0		0
Unauthorized Release of Information	0	0		0
Off-Duty Misconduct			0	0

Closed/Sustained Misconduct

Drug Treatment Contractors

There were 6 drug treatment contractors identified as misconduct subjects during Fiscal Year 2015. As of September 30, 2015, no decision had been made for any of these individuals.

Contract Employees and Volunteers Working in BOP Facilities

There were 31 contract employees and 3 volunteers working in BOP facilities identified as misconduct subjects during Fiscal Year 2015.

As of September 30, 2015, a decision had been made for 32.3 percent of the 31 contract employees. Of the 32.3 percent (or 10 contract employees), 50 percent (5) had a sustained decision. Two allegations of Other On-Duty Misconduct (non-inmate related), 2 allegations of Unprofessional Conduct (non-inmate related), and 1 allegation of Introduction of Contraband (non-inmate related) were sustained against contract employees working in BOP facilities.

As of September 30, 2015, no decision had been made for the 3 volunteers working in BOP facilities who were identified as misconduct subjects.

PHS Employees Working in BOP Facilities

Of the approximately 871 PHS employees working in BOP facilities, 99 were identified as misconduct subjects during Fiscal Year 2015 (or 11.4 per 100 PHS employees). As of September 30, 2015, a decision had been made for 17.2 percent of those 99 PHS employees. Of the 17.2 percent (or 17 PHS employees), 17.6 percent (3) had a sustained decision, for a sustained rate of .3 per 100 total PHS employees working in BOP facilities.

One allegation of Inattention to Duty (inmate related), 1 allegation of Breach of Security (non-inmate related), and 1 allegation of Unprofessional Conduct (non-inmate related) were sustained against PHS employees.

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 2015, 490 allegations of Physical Abuse of Inmates were either reported to the OIA or detected during the course of an investigation. As of September 30, 2015, a decision had been made for 35.1 percent (or 172) of those allegations. Allegations of Physical Abuse are tracked by the degree of injury sustained by the inmate(s)--life threatening injury, serious injury, minor/slight injury, minor/no injury (harassment), and superficial injury (injuries associated with the normal use of restraints). Three allegations of Physical Abuse reported during Fiscal Year 2015 were sustained as of September 30, 2015. The inmates involved sustained minor/no injuries. One of the subjects involved was a BOP employee (Food Service),

Physical Abuse of Inmates

and two were staff working at privatized facilities. None of the subjects with a sustained allegation of Physical Abuse of Inmates were criminally prosecuted.

Introduction of Contraband

Title 18, United States Code, Chapter 87 - Prisons

§1791 Providing or possessing contraband in prison

(a) Offense.-Whoever-

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

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

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

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

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

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

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

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

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

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

(d) Definitions.-As used in this section-

(1) the term “prohibited object” means-

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

(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

weapon (other than a firearm or destructive device), or an object that is designed or intended to be used as a weapon or to facilitate escape from a prison;

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

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

(E) any United States or foreign currency; and

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

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

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

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

- **Statistics**

During Fiscal Year 2015, 481 allegations of Introduction of Contraband were either reported or detected during the course of an investigation. As of September 30, 2014, a decision had been made for 21.4 percent (or 103) of those allegations. As of September 30, 2015, 20 allegations of Introduction of Contraband reported during Fiscal Year 2015 were sustained:

Type of Contraband	Inmate Related	Non Inmate Related
Soft Item	1	1
Weapons	0	8
Unauthorized Electronic Device	2	8

*5 Handguns and 3 Other Weapons

Eighteen individuals were involved in the sustained allegations of Introduction of Contraband. Thirteen of these individuals were BOP employees (9 male and 4 female). Five of the BOP employees worked in Correctional Services, 2 worked in Health Services/Safety, 2 worked in Psychology Services, and 1 each worked in Education and Vocational Training, the Business Office, Food Services, and Facilities. One of the individuals with a sustained allegation was a contract employee working in a BOP facility, and 4 were staff working in privatized facilities.

Introduction of Contraband

None of these individuals was criminally prosecuted for introducing contraband, though one person working in a privatized facility was criminally prosecuted in the Northern District of Texas for False Statements. She was sentenced to 6-months incarceration and 1-year supervised release.

Sexual Abuse of Inmates

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

§2241 Aggravated Sexual Abuse

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

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

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

or attempts to do so, shall be fined under this title, imprisoned for any term of years 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 head of any Federal department or agency, knowingly -

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

(2) administers to another person by force or threat of force, or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance and thereby -
(A) substantially impairs the ability of that other person to appraise or control conduct; and
(B) engages in a sexual act with that other person;

or attempts to do so, shall be fined under this title, imprisoned for any term of years 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 head of any Federal department or agency, knowingly -

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

Sexual Abuse of Inmates

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

- (A) incapable of appraising the nature of the conduct; or
- (B) physically incapable of declining participation in, or communicating unwillingness to engage in, that sexual act;

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

§2243 Sexual Abuse of a Ward

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

- (1) in official detention; and
- (2) under the custodial, supervisory, or disciplinary authority of the person so engaging;

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

§2244 Abusive Sexual Contact

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

- (1) subsection (a) or (b) of section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than ten years, or both;
- (2) section 2242 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than three years, or both;
- (3) subsection (a) of section 2243 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than two years, or both;
- (4) subsection (b) of section 2243 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than two years, or both.
- (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

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

§ 2246 Definitions

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

(2) the term "sexual act" means -

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

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

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

Sexual Abuse of Inmates

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 2015, 431 allegations of Sexual Abuse were either reported to the OIA or detected during the course of an investigation. Of the 431 allegations, 359 involved BOP employees, 2 involved contract employees working in BOP facilities, 4 involved PHS employees working in BOP facilities, 43 involved staff working in contract/residential reentry facilities, and 23 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 (172 reported allegations) and Sexual Abuse/Sexual Abuse of a Ward (§2242/2243) between female staff and male inmates (57 reported allegations).

As of September 30, 2015, six allegations of Sexual Abuse reported during Fiscal Year 2015 were sustained. These allegations involved 2 BOP employees, 1 contract/residential reentry employee, and 3 employees working in privatized facilities. Two hundred and sixty-nine allegations reported during Fiscal Year 2015 were pending.

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

Sexual Abuse/Sexual Abuse of a Ward between a female employee at the Eden Detention Center and a male inmate. This matter was investigated by the OIG. When interviewed by the OIG the subject signed two sworn affidavits asserting she never engaged in sexual activity with the inmate or provided contraband to him. The subject later signed a third affidavit admitting she engaged in sexual intercourse and oral sex with the inmate and provided him with contraband sunglasses and gum. The subject pled guilty in the Northern District of Texas to 18 USC §1001, False Statements, and 18 USC §2, Aiding and Abetting. She was sentenced to six-months incarceration and one-year supervised release, and she was ordered to pay a \$5,000 fine. The subject's employment was terminated. (2015-00372/OIG 2015000708)

Sexual Abuse/Sexual Abuse of a Ward between a female employee at a residential reentry center and a male inmate. This matter was investigated by the OIG. When interviewed by the OIG the subject acknowledged she has known the inmate and his family for approximately 15 years. The subject admitted having vaginal intercourse with the inmate approximately 100 times outside the

Sexual Abuse of Inmates

facility and during the time he was a resident there. The subject confirmed she was pregnant at the time of the interview, but she stated she was unsure if the child was the inmate's. The OIG did not present this matter for criminal prosecution. The subject left the facility immediately following the interview. Attempts to contact her were met with negative results, and her employment was ultimately terminated for abandonment of employment. (2015-02064/OIG 2015002673)

Sexual Abuse/Sexual Abuse of a Ward between a female Correctional Services employee at MDC Brooklyn and a male inmate. This matter was investigated by the OIG. When interviewed by the OIG the subject admitted she provided partially nude photographs of herself to the inmate, and she sent money to the inmate's commissary account through a third party. The subject also admitted kissing the inmate and providing him with oral sex inside the institution. The Assistant United States Attorney for the Eastern District of New York declined prosecution. The subject resigned her employment. (2015-02926/OIG 2015004170)

Abusive Sexual Contact (Female Staff/Male Inmate)

Abusive Sexual Contact between a female staff member at the Eden Detention Center and a male inmate. This matter was investigated by the OIG. During two OIG interviews the subject admitted kissing and hugging the inmate on approximately ten occasions and admitted she allowed the inmate to touch her breasts, hip, and buttocks over her clothing with his hand on approximately five occasions. The Assistant United States Attorney for the Northern District of Texas-Lubbock Division declined prosecution. The subject's employment was terminated. (2015-03337/OIG 2015004856)

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

Unprofessional Conduct of a Sexual Nature between a male Correctional Services employee at FDC Seatac and a male inmate. The OIG deferred this matter to the BOP for administrative resolution. The subject admitted he told the inmate, "Look into my eyes so we can climax together." The subject resigned his employment. (2015-02268/OIG 2015002957)

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

Unprofessional Conduct of a Sexual Nature between a female employee at the Big Spring Correctional Center and a male inmate. This matter was investigated by the OIG. A Big Spring Correctional Center Supervisor reported that as he was exiting the Flightline Unit storage area, he observed the subject kissing and hugging the inmate. When interviewed by the OIG the inmate admitted he worked for the subject for two months in the Flightline Unit dining hall. The inmate stated he attempted to touch the subject's cheek once, but the inmate denied ever trying to kiss the subject. When she was interviewed, the subject admitted developing an inappropriate relationship with the inmate, which led to the two of them kissing on two separate occasions. The subject denied engaging in sexual activity with the inmate. The U.S. Attorney's Office for

Sexual Abuse of Inmates

the Northern District of Texas, Lubbock Division, declined prosecution. The subject's employment was terminated. (2015-02687/OIG 2015003378)

Representative Case Summaries

Following are brief summaries of some of the cases which were completed during Fiscal Year 2015.

- A staff member was given a key ring with one key and a red label on it by an inmate. A male Correctional Services employee admitted he failed to secure the key to his belt, and he lost the key. Breach of Security and Failure to Follow Policy were sustained. The subject received a written reprimand. (2015-00017)
- Two male Facilities employees were seen driving up to a restaurant in a government vehicle. The two subjects went inside, ordered their food, picked up their food, and then departed the restaurant in the government vehicle. Both subjects were on shifts which did not include a lunch break, and retrieving food was not part of their official duties. Theft/Misuse of Government Property was sustained. Both subjects were suspended for one day. (2015-00168)
- A staff member observed an inmate talking to someone on an unmonitored telephone in the unit management common area. A female Correctional Services employee allowed inmates to use a staff telephone to make personal phone calls. Breach of Security, Failure to Follow Policy, and Preferential Treatment of Inmates were sustained. The subject received a written reprimand. (2015-00228)
- Staff found one 9mm round lying on a gray box which was located behind the activities lieutenant's desk. Staff also found four more 9mm rounds inside a male Correctional Services employee's black jacket which was lying on the gray box. The subject did not remember having the 9mm rounds in his jacket, and he encountered no problems when his jacket was processed through the metal detector upon entering the institution. The contraband was able to get into the secure confines of the institution since it was not discovered during staff search procedures. The 9mm rounds were from a day when the subject attended firearms' training. Introduction of Contraband – Weapons Introduction was sustained. The subject was suspended for three days. (2015-00370)
- A male employee at a privatized facility allowed an inmate to leave one unit and enter another unit. The subject then sat and talked with the inmate for approximately one hour. The inmate then roamed around the unit talking to other inmates for another hour. Staff witnessed the subject speaking to the inmate on a daily basis over a five month period. The subject and inmate were observed walking together in the hallways near the end of the subject's shift, as well as walking and talking on the recreation yard for approximately four hours. Improper Contact With an Inmate/Inmate's Family was sustained. The subject's employment was terminated. (2015-00541)
- Three male employees at a privatized facility failed to report that immediate force was used on an inmate when the inmate tried to "head butt" one of the subjects. Failure to Follow Policy was sustained. The subjects' employment was terminated. (2015-00682)

Representative Case Summaries

- A review of video surveillance of the SHU revealed a male Correctional Services employee was not present as he indicated in the SHU log. The subject did not make his watch tours during a three hour time period; however, the subject signed the security check log as if he had completed his watch tours. The subject admitted he missed some of his watch tours, but he signed the security check logs as if he had completed them. Falsification of Documents was sustained. The subject resigned his employment. (2015-00990)
- A male Correctional Services employee used his government-issued travel charge card to purchase fuel while not on travel status. Due to the subject not paying the amount due on his card promptly, late fees were assessed. Misuse of Travel Charge Card and Failure to Pay Government Charge Card were sustained. The subject resigned his employment. (2015-01087)
- A male Food Service employee used his right hand to strike an inmate on the right side of his head as the subject was pointing to a dish machine which had cheese on top of it. In response, the inmate hit the subject in the torso. The subject then chest bumped the inmate. The subject admitted he inadvertently hit the inmate on the side of the head while pointing. The subject also acknowledged he chest bumped the inmate. Physical Abuse of Inmates was sustained. The subject received a written reprimand. (2015-01261)
- A female staff member in the CEO's office admitted that as she was putting on her coat to leave the office, she discovered her personal cell phone inside her coat pocket. The subject stated she did not enter the secure confines of the institution that day. Inattention to Duty was sustained. The subject received a written reprimand. (2015-01413)
- A male Correctional Services employee failed to properly secure an inmate in his assigned cell. The subject admitted that he and another staff member started at opposite ends of the range and began to secure the cell doors. The subject stopped at one of the cells to ask the other staff member a question and failed to secure that cell door. Failure to Follow Policy and Inattention to Duty were sustained. The subject resigned his employment. (2015-01872)
- A staff member confiscated a Class A tool (a hammer drill) from an inmate in the center of the compound. A male Facilities employee was responsible for the tool and the inmate work detail. The subject admitted the inmate had possession of a Class A tool, and the subject did not maintain constant supervision of the inmate as the inmate used the tool. Breach of Security and Failure to Properly Supervise Inmates were sustained. The subject was suspended for one day. (2015-02127)
- A female Psychology Services employee signed certifying another Psychology Services employee's T&A. The T&A reflected the employee as being on LWOP status. The

Representative Case Summaries

employee's LWOP was not approved by the Warden, and the subject failed to ensure the appropriate supporting documentation was present when signing the T&A. Failure to Follow Policy was sustained. The subject received a written reprimand. (2015-02585)

- Staff witnessed a female PHS employee use the words "fuck" and "motherfucker" during an ART presentation. One staff member covered his ears due to the amount of profanity being used by the subject. Staff witnessed the subject make statements such as, "Don't go against me, or I will ruin you," "Don't go against me, I am the boss," "Come here, get in my office now," and stating she would "hammer" or "ruin" anyone who "goes against" her. The subject continuously denied making such statements, even when confronted with overwhelming evidence in support of the allegations. Lack of Candor and Unprofessional Conduct were sustained. The subject was reassigned to ICE PHS service prior to discipline being imposed. (2015-03004)
- A male employee at a privatized facility notified another staff member that a pair of slip joint pliers was missing from the subject's toolbox. The subject told the other staff member that the subject had not counted the tools in the toolbox in the last week; however, the subject signed the Daily Tool Log and the Tool Inventory Log indicating all the tools were accounted for. The missing pliers were found on top of the kitchen roof where the subject had been working. Falsification of Documents and Inattention to Duty were sustained. The subject's employment was terminated. (OIA-2015-07263)
- A routine check of a male Education and Vocational Training employee's computer revealed a history of pornographic sites being viewed. The subject admitted he visited the sites through Craig's List. Misuse of Government Computers was sustained. The subject resigned his employment. (OIA-2015-07731)

Types of Sustained Misconduct for BOP Employees - FY 2014 With 65.6 Percent Closed				
Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
On-Duty Misconduct	276	452		728
Personnel Prohibitions		211	21	232
Inattention to Duty	70	160		230
Failure to Follow Policy	108	102		210
Unprofessional Conduct	55	138		193
Fiscal Improprieties	8	155		163
Off-Duty Misconduct			133	133
Breach of Security	43	52		95
Inappropriate Relationships With Inmates	83			83
Introduction of Contraband	17	31		48
Investigative Violations		43		43
Sexual Abuse of Inmates	15			15
Unauthorized Release of Information	8	6		14
Abuse of Inmates	11			11
Bribery	9	0		9
Discrimination	0	0		0

Types of Misconduct

Abuse of Inmates

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

Sexual Abuse of Inmates

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

Introduction of Contraband

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

Discrimination

Fiscal Improprieties

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

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

Bribery

- Bribery
- Conspiracy to Commit Bribery

Inappropriate Relationship With Inmates

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

Investigative Violations

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

Personnel Prohibitions

- Threatening/Intimidating Employees (relates to personnel actions)
- Failure to Report Violation of Rules/Regulations
- Falsification of Employment Records
- Misuse of Official Position/Badge
- Inappropriate Supervisor/Subordinate Relationship
- Engaging in Prohibited Personnel Practices
- Use/Abuse of Illegal Drugs/Alcohol
- Absent Without Leave

Retaliation
Refusing to Take a Drug Test

Unauthorized Release of Information

Other On-Duty Misconduct

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

Off-Duty Misconduct

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

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

Monitoring Assignments

Alderson, WV 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 Honolulu, HI Houston, TX	(b)(6),(b)(7)(C),(b)(7)(F)	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 Safford, AZ San Diego, CA Sandstone, MN Schuylkill, PA Seagoville, TX SeaTac, WA	(b)(6),(b)(7)(C),(b)(7)(F)
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Monitoring Assignments

Sheridan, OR	(b)(6),(b)(7)(C),(b)(7)(F)
SCRO, TX	
SERO, GA.....	
Springfield, MO	
Talladega, AL	
Tallahassee, FL	
Terminal Island, CA.....	
Terre Haute, IN	
Texarkana, TX	
Thomson, IL.....	
Three Rivers, TX	
Tucson, AZ	
Victorville, CA	
.....	
Waseca, MN	
WRO, CA	
Williamsburg, SC	
Yankton, SD	
Yazoo City, MS	