

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

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## Office of Internal Affairs Report for Fiscal Year 2016



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## Executive Summary of Findings

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- There was a 1.5 percent decrease in the number of cases opened in Fiscal Year 2016 as compared with Fiscal Year 2015. The rate of reported misconduct among BOP employees decreased 1.5 percent from Fiscal Year 2015.
- Cases classified as Classification 1 offenses showed an increase of 5.3 percent; cases classified as Classification 2 offenses showed an increase of 10.8 percent; and cases classified as Classification 3 offenses showed a decrease of 9.9 percent.
- The most frequently reported type of misconduct in Fiscal Year 2016 was On-Duty Misconduct. Unprofessional Conduct and Failure to Follow Policy placed second and third, respectively.
- The categories of reported misconduct showing an increase from Fiscal Year 2015 were: On-Duty Misconduct, Failure to Follow Policy, Abuse of Inmates, Fiscal Improprieties, Inappropriate Relationships with Inmates, Sexual Abuse of Inmates, Unauthorized Release of Information, Bribery, and Discrimination. The largest decreases occurred in the categories of Breach of Security and Personnel Prohibitions.
- During Fiscal Year 2016, 13 cases involved Patriot Act violations. As of November 28, 2016, 10 cases remained open pending investigation, and 3 cases were closed. None of the cases closed had sustained allegations.
- The most frequently sustained categories of misconduct among BOP employees, with a sustained decision as of November 28, 2016, were Personnel Prohibitions and Failure to Follow Policy.
- As of November 28, 2016, the sustained rate of misconduct for male BOP employees for whom a decision had been made was 0.8 percent of all male BOP staff. For the same time period the sustained rate of misconduct for female BOP employees for whom a decision had been made was 0.9 percent of all female BOP staff.
- As of November 28, 2016, the most frequently sustained category of misconduct among both male and female BOP employees for whom a decision had been made was Failure to Follow Policy. For those BOP employees with a sustained decision as of November 28, 2016, the rate was highest among Recreation staff.
- As of November 28, 2016, the most frequently sustained category of misconduct for Residential Reentry Center employees was Inappropriate Relationships with Inmates. The most frequently sustained category of misconduct for staff in privatized facilities was Failure to Follow Policy.

## Executive Summary of Findings

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- As of November 28, 2016, there was 1 sustained allegation of Physical Abuse reported during Fiscal Year 2016. The inmate involved received minor/no injuries from the incident. The subject involved was not criminally prosecuted.
- As of November 28, 2016, 28 allegations of Introduction of Contraband reported during Fiscal Year 2016 were sustained, involving 27 individuals. Seventeen (17) involved the introduction of unauthorized electronics devices; 5 involved the introduction of weapons (3 handguns and 2 classified as “other” weapons); 2 involved the introduction of cigarettes/tobacco; 2 involved the introduction of soft contraband; 1 involved the introduction of alcoholic beverages; and 1 involved the introduction of Creatine/Weightlifting Supplements. Two of the subjects involved were criminally prosecuted for introducing contraband or related charges.
- As of January 10, 2017, there were 3 allegations of Sexual Abuse reported during Fiscal Year 2016 that were sustained: 1 involved a BOP employee and 2 involved BOP contract employees working in privatized facilities. There are 343 reported allegations with open, pending cases.

# Reporting Incidents of Misconduct

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## Staff Reporting

In accordance with the Bureau's Standards of Employee Conduct, staff who become aware of any violation or alleged violation of the Standards of Employee Conduct must report said allegations/violations to the Chief Executive Officer (CEO), the Office of Internal Affairs (OIA), or the Department of Justice (DOJ), Office of the Inspector General (OIG).

Additionally, the OIG has established a toll-free hotline (1-800-869-4499) which is available to report DOJ employees' misconduct, to include potential areas of fraud, waste, or abuse in government. Bureau Staff are encouraged to use the OIG hotline if they wish to remain anonymous, and/or perceive fear of retaliation/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 personal knowledge), the CEO at the institution, Regional Office or Central Office Division, or his/her designee, is to report the violation to the OIA **within 24 hours. Details and definitions are as follows:**

- 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 3 cases are defined as allegations of misconduct which ordinarily have less impact on institutional operations.

**Note: Classification 1 and 2 cases must be reported to the OIA immediately. As a particular investigation unfolds, the severity of misconduct may increase or decrease, thereby moving it into another classification.**

# Reporting Incidents of Misconduct

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Again, written notification to the OIA will be made **within 24 hours** (not to include weekends and holidays) from the time management official(s) learn of the matter. When there is suspected criminal conduct, 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. Ordinarily, CEOs can proceed with authorized 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. 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.

## Submitting 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). Be sure to include the following information:

- The identity of the complainant(s), subject(s), witness(es), and victim(s);
- The details of the allegation(s); and
- **All 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, as well as to safeguard the rights of the subject(s).

## Supporting Documentation

A Referral of Incident form (BP-A715.012) and all supporting documentation (e.g. victim or witness statements, medical reports, photos, BP-583/586, and related memoranda), must be sent to the OIA immediately.

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. PREA related protocols must be followed, accordingly.

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 upon limited information.

All signed Referral of Incident forms (BP-S715.012 or BP-S774.012), in tandem with appropriate predicating information, should be scanned as a single file (via .pdf, Adobe Acrobat) and sent directly to the OIA via e-mail: OIA BOPNet GroupWise mailbox,

## Reporting Incidents of Misconduct

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“BOP-DIR/InternalAffairs-Referrals~.” The signed Referral of Incident form should appear on the top of the file with all supporting documentation underneath.

# Review of Local Staff Misconduct Investigations

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For **all** local staff misconduct investigations, 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~"). The subject of your e-mail message should include the OIA case number and the facility mnemonic code (e.g., 2015-00001-BUX).

To ensure local investigative packets are reviewed by the OIA in a timely manner, packets should **not** be sent to either any individual OIA staff member or directly to any OIA field office.

## 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 (e.g. affidavits, memorandums, video files, etc.). Note: 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 as .pdf format (Adobe Acrobat), and saved as follows:

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

**Do not send documents in other formats (e.g., .tif files, .docx files).**

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

# Review of Local Staff Misconduct Investigations

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## Time Guidelines

Local investigators must complete investigative packets and forward to the OIA within **120 calendar days** of the date a local investigation was authorized by the OIA.

Once received, the OIA will complete their review of the local investigative packet within 10 business days. The local investigator will be advised as to whether the investigative packet is approved, or if additional information is required. This information will be sent via e-mail to the local investigator with a copy to the CEO. If additional information is required, the local investigator should forward the additional information to the OIA within 30 calendar days, who will again notify the local investigator and CEO if the packet has been approved. Once approved, the local investigator should forward the investigative packet to the CEO for appropriate action with **all** requisite “Review of Local Investigative Packet” forms attached.

**No disciplinary proceedings or other notifications to subject(s) 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 deadlines. SIAs/SISs should continue to work with the monitoring Agent assigned to their facility on an ongoing and recurring basis. SIA/SIS should provide updates on any outstanding matters. The Agent will provide guidance, as needed.

# Reported Misconduct

All allegations of misconduct received by the OIA are reviewed and classified. Allegations classified as Category 1 or 2 matters are immediately referred to the OIG for review and disposition. The OIG determines which matters they will accept for investigation and possible criminal prosecution and defers other matters to the OIA for investigation. The OIA coordinates with the OIG and/or the FBI when investigations may lead to criminal prosecution or when there are allegations involving the abuse of an individual's Constitutional rights under Color of Law.

## NOTES

Due to the dynamic nature of the OIA database, figures in this report are subject to change. During the course of an investigation, evidence may indicate circumstances other than those initially reported, causing data to be added, deleted, and/or changed. There is no nexus between reported and sustained allegations.

The number of subjects exceeds the number of cases throughout this report as some cases have multiple subjects. Also, some subjects may be charged with multiple types of misconduct in a single case, causing the number of allegations to be higher. Finally, individual employees may be subjects in more than one case.

Allegations referred to as "Inmate Related" included some type of inmate involvement, while allegations referred to as "Non Inmate Related" occurred in the workplace but did not include inmate involvement. For a complete list of the types of misconduct included in each category, please reference the Appendices section of this report.

\*\* Unless otherwise noted, the figures for this report (Fiscal Year 2016) were generated on November 28, 2016.

For those matters deferred for investigation, the OIA determines, after consulting with relevant 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 2016, the OIA opened 5,128 cases involving 6,021 BOP employees, 96 contract employees working in BOP facilities, 70 Public Health Service (PHS) employees working in BOP facilities, 2 volunteers working in BOP facilities, 179 contract/residential reentry center employees, 6 drug treatment contractors, 1 employee working at an Intergovernmental Agreement (IGA) facility, and 158 employees working in privatized facilities.

These 5,128 cases represent a modest 1.5 percent decrease from the 5,206 cases opened during Fiscal Year 2015. The rate of reported misconduct among BOP employees decreased 1.3 percent from Fiscal Year 2015.

The 5,128 cases opened during Fiscal Year 2016 were classified as follows:

Classification 1 .....	1,106
Classification 2 .....	1,478
Classification 3 .....	2,544

## Reported Misconduct

Cases classified as Classification 1 offenses showed an increase of 5.3 percent, while cases classified as Classification 2 offenses showed an increase of 10.8 percent. Cases classified as Classification 3 offenses showed a decrease of 9.9 percent.

Types of Misconduct	Number of Reported Allegations				% Change from 2015
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL	
Unprofessional Conduct	753	578		1331	-5.1
On-Duty Misconduct	643	1000		1643	37.7
Personnel Prohibitions		792	49	841	-14.2
Failure to Follow Policy	665	577		1242	34.4
Inattention to Duty	356	499		855	-6.9
Abuse of Inmates	904			904	7.9
Fiscal Improprieties	154	479		633	12.8
Off-Duty Misconduct			504	504	-6.0
Breach of Security	223	232		455	-14.6
Inappropriate Relationships With Inmates	568			568	15.9
Introduction of Contraband	299	136		435	-9.4
Sexual Abuse of Inmates	549			549	26.8
Investigative Violations		125		125	-8.1
Unauthorized Release of Information	93	43		136	43.2
Bribery	124	3		127	62.8
Discrimination	14	7		21	600

Table 1 provides a breakdown of those categories of misconduct reported during Fiscal Year 2016. The categories of reported misconduct showing an increase from Fiscal Year 2015 are as follows: Failure to Follow Policy (34.4 percent), Abuse of Inmates (7.9 percent), Fiscal Improprieties (12.8 percent), Inappropriate Relationships with Inmates (15.9 percent), Sexual Abuse of Inmates (26.8 percent), Unauthorized Release of Information (43.2 percent), Bribery (62.8 percent), Discrimination (600 percent), and Other On-Duty Misconduct (37.7 percent). The largest decreases occurred in the categories of Breach of Security (-14.6 percent), and Personnel Prohibitions (-14.2 percent)

## Reported Misconduct

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### USA Patriot Act

In the aftermath of September 11, 2001, Congress passed the USA PATRIOT Act, signed into law by President George W. Bush on October 26, 2001. One of the provisions of the Patriot Act addressed reporting any potential abuse(s) of individual civil rights and liberties by DOJ employees involving violence, discrimination, or threats. Accordingly, the Patriot Act mandated that the OIG widely advertise receiving allegations and any associated investigations of violence, discrimination, or threats on the part of a DOJ employee; particularly when such cases are directed toward individuals or groups associated with the general public's perception of "extremist ideology" pertaining to an individual's religious beliefs, place of birth, and/or appearance. Patriot Act allegations typically reported to the OIA involve 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 referred to a Special Operations Unit at OIG Headquarters, devoted to reviewing and investigating such alleged misconduct.

Of the 5,128 cases opened during Fiscal Year 2016, 13 cases involved Patriot Act violations. As of November 28, 2016, 10 cases remained open pending investigation, and 3 cases were closed. No allegations were sustained.

Of the 5,203 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.

## Closed/Sustained Misconduct

### NOTES

All figures in this section relate to cases which were opened during Fiscal Year 2016 and were closed as of November 28, 2016. Figures are subject to change as additional cases are closed, and only relate to cases that were sustained and not sustained.

Please refer to the appendices section of this report for the types of misconduct sustained against BOP employees in cases opened during Fiscal Year 2016.

As of November 28, 2016, a decision had been made on 1,349 (26.3 percent) of the 5,128 cases opened during Fiscal Year 2016. The remaining 3,779 cases (73.7 percent) were still open and being investigated. Of the 1,349 cases closed, the majority, 1,172 (86.9 percent), were investigated at the institution level (“local investigation”) with authorization and monitoring provided by the OIA. Of the 1,349 cases closed, 143 were OIA on-site investigations (10.6 percent), and 34 (2.5 percent) were investigated by the OIG.

Of the 1,349 cases closed, 335 (24.8 percent) were sustained. Misconduct was sustained against 310 BOP employees, 13 contract employees working in BOP facilities, 3 PHS employees working in BOP facilities, 8

contract/residential reentry center employees, 2 Drug Treatment Contractors, and 43 employees working in privatized facilities.

### BOP Employees

Out of 39,204 active-duty BOP employees, there were 6,021 BOP employees identified as subjects of alleged misconduct in cases opened during Fiscal Year 2016. As of November 28, 2016, a decision had been made for 24.6 percent of those employees. Of the 24.6 percent (or 1,484 employees), 20.9 percent (310) had a sustained decision (0.8 percent of total BOP employees). Of the 6,021 BOP employees for whom a case was opened during Fiscal Year 2016, 434 were unidentified.

Table 2 (on the following page) reflects the categories of misconduct sustained against BOP employees with a decision as of November 28, 2016. The most frequently sustained categories of misconduct were Personnel Prohibitions and Failure to Follow Policy.

## Closed/Sustained Misconduct

<b>Table 2: Types of Sustained Misconduct for BOP Employees - FY 2016 With 26.3 Percent Closed</b>				
<b>Type of Misconduct</b>	<b>Number of Sustained Allegations</b>			
	<b>Inmate Related</b>	<b>Non Inmate Related</b>	<b>Off-Duty</b>	<b>TOTAL</b>
Personnel Prohibitions		68	6	74
Unprofessional Conduct	4	24		28
Inattention to Duty	10	34		44
On-Duty Misconduct	15	47		62
Fiscal Improprieties	2	38		40
Failure to Follow Policy	26	48		74
Off-Duty Misconduct			23	23
Breach of Security	11	16		27
Introduction of Contraband	5	17		22
Inappropriate Relationships With Inmates	27			27
Investigative Violations		12		12
Abuse of Inmates	4			4
Sexual Abuse of Inmates	1			1
Unauthorized Release of Information	1	4		5
Discrimination	0	0		0
Bribery	2	0		2

### Disciplinary Process

Once a subject is investigated and the allegations are sustained, the type of disciplinary action taken is left to the deciding official, generally the CEO. Since each case is unique, with varying degrees of seriousness attached to the allegation of misconduct, disciplinary actions may vary from case-to-case. Also, a subject may be charged with multiple types of misconduct in any particular incident(s). In any event, “The Douglas Factors” must be considered when deciding the appropriate penalty to impose on employees for misconduct.

## Closed/Sustained Misconduct

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The Douglas Factors are an accumulation of historic Civil Services practices and procedures in cases involving civil servant misconduct. This was created under the Merit Systems Protection Board (MSPB) in the seminal Douglas v. Veterans Administration (1981) case. From this case, 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 specific 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. Also, some the Douglas Factors may suggest one type of penalty, while others suggest another penalty. Again, it is incumbent upon the CEO to choose the appropriate penalty within these guidelines.

## Closed/Sustained Misconduct

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As of November 28, 2016, the following actions were taken against (or by) those BOP employees with a sustained decision (FY16):

Written Reprimand.....	104
Resignation .....	46
Suspension .....	68
No Action.....	50
Retirement.....	11
Termination.....	19
Oral Reprimand.....	1
Combined With Action in Another OIA Matter .....	5
Demotion.....	5
Other .....	5

The specific type of misconduct most frequently sustained against those individuals for whom no disciplinary action was taken was Unprofessional Conduct (16.1 percent of all sustained misconduct for staff in this group).

### Gender

There were 4,334 male BOP employees identified as misconduct subjects in Fiscal Year 2016. As of November 28, 2016, a decision had been made for 24.5 percent of those 4,334 male employees. Of the 24.5 percent (or 1,061 male employees), 20.6 percent (219) had a sustained decision (0.8 percent of total male BOP staff).

There were 1,258 female BOP employees identified as misconduct subjects in Fiscal Year 2016. As of November 28, 2016, a decision had been made for 25.4 percent of those 1,258 female employees. Of the 25.4 percent (or 319 female employees), 28.8 percent (92) had a sustained decision (0.9 percent of 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 November 28, 2016. The most frequently sustained category of misconduct among male BOP employees was Failure to Follow Policy. The most frequently sustained category of misconduct among female BOP employees was Personnel Prohibitions.

## Closed/Sustained Misconduct

Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Personnel Prohibitions		46	6	52
Unprofessional Conduct	2	16		18
Fiscal Improprieties	1	32		33
On-Duty Misconduct	9	38		47
Inattention to Duty	4	25		29
Off-Duty Misconduct			18	18
Failure to Follow Policy	17	38		55
Introduction of Contraband	3	10		13
Breach of Security	6	11		17
Inappropriate Relationships With Inmates	8			8
Abuse of Inmates	3			3
Investigative Violations		6		6
Unauthorized Release of Information	1	0		0
Sexual Abuse of Inmates	0			0
Discrimination	0	0		0
Bribery	1	0		1

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

## Closed/Sustained Misconduct

<b>Table 4: Types of Sustained Misconduct for Female BOP Employees - Fiscal Year 2016 With 25.4 Percent Closed</b>				
<b>Type of Misconduct</b>	<b>Number of Sustained Allegations</b>			
	<b>Inmate Related</b>	<b>Non Inmate Related</b>	<b>Off-Duty</b>	<b>TOTAL</b>
Personnel Prohibitions		21	0	21
Unprofessional Conduct	2	8		10
Inattention to Duty	5	9		14
Failure to Follow Policy	8	10		18
On-Duty Misconduct	5	9		14
Fiscal Improprieties	1	6		7
Inappropriate Relationships With Inmates	18			18
Breach of Security	5	5		10
Investigative Violations		6		6
Off-Duty Misconduct			5	5
Introduction of Contraband	2	7		9
Sexual Abuse of Inmates	1			1
Abuse of Inmates	1			1
Discrimination	0	0		0
Bribery	1	0		1
Unauthorized Release of Information	0	4		4

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 November 28, 2016, 310 BOP employees identified as misconduct subjects during Fiscal Year 2016 had a sustained decision. Of the 310 BOP employees with a sustained decision as of November 28, 2016, 263 were bargaining unit employees and 47 were non-bargaining unit employees. Table 5 reflects the rate of misconduct among the various job disciplines.

<b>Table 5: Discipline of BOP Employees With Sustained Misconduct - FY 2016 With 24.6 Percent Closed</b>			
<b>Discipline</b>	<b>Total Employees</b>	<b>Number of Employees With Sustained Misconduct</b>	<b>Rate Per 100 Total Employees</b>
Human Resources	474	1	0.21
Facilities	2,552	6	0.24
Psychology Services	1,255	7	0.56
Recreation	823	9	1.09
CEOs Office and Staff	988	4	0.40
Food Service	1,760	11	0.63
Computer Services	251	2	0.80
Correctional Services	17,995	170	0.94
Health Services/Safety	2,811	30	1.07
Unit Management	3,340	21	0.63
Religious Services	337	2	0.59
Records/Inmate Systems	1,082	11	1.02
Education & Vocational Training	1,102	11	1.00
Business Office	1,733	13	0.75
Central Office/Staff Training Centers	1,187	8	0.67
UNICOR	553	1	0.18
Inmate Services	345	2	0.58
Other*	627	1	0.16

\* "Other" staff includes those assigned to special programs (i.e. ICC).

## Closed/Sustained Misconduct

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### Residential Reentry Center Employees

There were 179 contract/residential reentry center employees identified as misconduct subjects in Fiscal Year 2016. As of November 28, 2016, a decision had been made for 36.3 percent of those 179 employees. Of the 36.3 percent (or 8 employees), 12.3 percent (3) had a sustained decision.

Sustained Misconduct – Residential Reentry Center Employees			
Allegation	Inmate Related	Non Inmate Related	Off-Duty
Abuse of Inmates	1		
Inappropriate Relationship with Inmates	4		
Off-Duty Misconduct			1
Personnel Prohibitions			1
Failure to Follow Policy	1	0	
Other On-Duty Misconduct	1	0	

## Closed/Sustained Misconduct

### Staff in Privatized Facilities

There were 158 employees working in privatized facilities identified as misconduct subjects during Fiscal Year 2016. As of November 28, 2016, a decision had been made for 50.6 percent of those 158 employees. Of the 50.6 percent (or 80 employees), 53.8 percent (43) had a sustained decision.

Table 6 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 Failure to Follow Policy.

Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Failure to Follow Policy	17	1		18
Inappropriate Relationships With Inmates	3			3
On-Duty Misconduct	4	2		6
Breach of Security	0	0		0
Unprofessional Conduct	3	2		5
Investigative Violations		1		1
Abuse of Inmates	1			1
Introduction of Contraband	3	3		6
Inattention to Duty	8	3		11
Sexual Abuse of Inmates	2			2
Fiscal Improprieties	0	0		0
Bribery	0	0		0
Personnel Prohibitions		4	0	4
Discrimination	0	0		0
Unauthorized Release of Information	0	0		0
Off-Duty Misconduct			1	1

## Closed/Sustained Misconduct

### Drug Treatment Contractors

There were 6 drug treatment contractors identified as misconduct subjects during Fiscal Year 2016. As of November 28, 2016, a decision had been made for 50 percent of the 6 drug treatment contractors. Of the 50 percent (or 3 drug treatment contractors), 66.7 percent (2) had a sustained decision. 2 allegations of Fiscal Improprieties and 2 allegations of Falsification of Documents were sustained against drug treatment contractors.

### Contract Employees and Volunteers Working in BOP Facilities

There were 96 contract employees and 2 volunteers working in BOP facilities identified as misconduct subjects during Fiscal Year 2016.

As of November 28, 2016, a decision had been made for 29.2 percent of the 96 contract employees. Of the 29.2 percent (or 28 contract employees), 46.4 percent (13) had a sustained decision.

Sustained Misconduct - Contract Employees		
Allegation	Inmate Related	Non Inmate Related
Abuse of Inmates	1	
Inappropriate Relationship with Inmates	1	
Investigation Violations		2
Personnel Prohibitions		1
Inattention to Duty	1	0
Breach of Security	0	1
Failure to Follow Policy	3	2
Unprofessional Conduct	0	1
Other On-Duty Misconduct	4	1

As of November 28, 2016, a decision had been made for 1 of the 2 volunteers identified as misconduct subjects during Fiscal Year 2016; no allegations have been sustained against volunteers working in BOP facilities who were identified as misconduct subjects.

## Closed/Sustained Misconduct

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### PHS Employees Working in BOP Facilities

Of the approximately 858 PHS employees working in BOP facilities, 70 were identified as misconduct subjects during Fiscal Year 2016 (or 8.2 percent). As of November 28, 2016, a decision had been made for 14.3 percent of those 70 PHS employees. Of the 14.3 percent (or 10 PHS employees), 30 percent (3) had a sustained decision, for a sustained rate of 0.3 percent of total PHS employees working in BOP facilities.

Two (2) allegations of Fiscal Improprieties and 1 allegation of Personnel Prohibitions were sustained against PHS employees.

# Physical Abuse of Inmates

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## Title 18, United States Code, Chapter 13 - Civil Rights

### §241 Conspiracy against rights

If two or more persons conspire to injure, oppress, threaten, or intimidate any inhabitant of any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured --

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

### §242 Deprivation of rights under color of law

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both.

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 2016, 460 allegations of Physical Abuse of Inmates were either reported to the OIA, or detected during the course of an investigation. As of November 28, 2016, a decision had been made for 26.1 percent (or 120) 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). One (1) allegation of Physical Abuse reported during Fiscal Year

## Physical Abuse of Inmates

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2016 was sustained as of November 28, 2016. The inmate involved sustained minor/no injuries. The subject involved was a BOP Contract Employee (Health Services). The subject with a sustained allegation of Physical Abuse of Inmates was not criminally prosecuted.

# Introduction of Contraband

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## Title 18, United States Code, Chapter 87 - Prisons

### §1791 Providing or possessing contraband in prison

(a) Offense.-Whoever-

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

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

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

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

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

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

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

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

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

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

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

(1) the term “prohibited object” means:

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

## Introduction of Contraband

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(B) marijuana or a controlled substance in schedule III, other than a controlled substance referred to in subparagraph (C) of this subsection, ammunition, a weapon (other than a firearm or destructive device), or an object that is designed or intended to be used as a weapon or to facilitate escape from a prison;

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

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

(E) any United States or foreign currency; and

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

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

(3) the terms “controlled substance” and “narcotic drug” have, respectively, the meanings given those terms in section 102 of the Controlled Substances Act (21 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 2016, 435 allegations of Introduction of Contraband were either reported or detected during the course of an investigation. As of November 28, 2016, a decision had been made for 31.5 percent (or 137) of those allegations. As of November 28, 2016, 28 allegations of Introduction of Contraband reported during Fiscal Year 2016 were sustained:

Type of Contraband	Inmate Related	Non Inmate Related
Soft Item	2	0
Weapons*	0	5
Unauthorized Electronic Device	2	15
Cigarettes/Tobacco	2	0
Alcoholic Beverages	1	0
Creatine/Weight Lifting Supplement	1	0

\*Includes 3 Handguns and 2 Weapons classified as “Other”

## Introduction of Contraband

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Twenty-seven (27) individuals were involved in the sustained allegations of Introduction of Contraband. Twenty-two (22) of these individuals were BOP employees (13 male and 9 female). Eleven (11) of the BOP employees worked in Correctional Services, 6 worked in Health Services/Safety, 3 worked in Facilities, and 1 each worked in Education and Recreation. Five (5) of the individuals with a sustained allegation were staff working in privatized facilities.

# Sexual Abuse of Inmates

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

### §2241 Aggravated Sexual Abuse

(a) By force or threat. - Whoever, in the special maritime or territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract agreement with the 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

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(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

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(b) In Other Circumstances. - Whoever, in the special maritime and territorial jurisdiction of the United States, or a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of our pursuant to a contract or agreement with the 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

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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.

Note: Also reference the most recent and relevant program statements pertaining to the Prison Rape Elimination Act (PREA): PREA G5324A.03; as well as Sexually Abusive Behavior Prevention and Intervention Program, 5324.12.

### Statistics

During Fiscal Year 2016, 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 January 10, 2017, 3 allegations of Sexual Abuse reported during Fiscal Year 2016 were sustained: 1 involved BOP employees and 2 involved employees working in privatized facilities. There are 343 reported allegations with open, pending cases.

## Representative Case Summaries

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Though the outcome, discipline and disposition of any investigated case may vary, the following are brief summaries of some of the cases which were completed during Fiscal Year 2016:

- **Personnel Prohibitions:** A male Correctional Officer was subjected to a random drug test. A Quest Diagnostics Inc. lab report indicated a positive urine test for marijuana. The investigation revealed sufficient evidence to support the allegation of Use/Abuse of Illegal Drugs/Alcohol against the subject. The urine sample was tested by two different labs and both tests were positive for marijuana. The allegation of Use/Abuse of Illegal Drugs/Alcohol was, therefore, sustained against the subject. The subject was terminated from his position (2016-00165).
- **Unprofessional Conduct (Non-Inmate Related):** Allegations were made against a male Correctional Officer for unprofessional conduct toward a supervisor. During the course the investigation, the subject stated he recalled speaking to the complainant over the telephone about his schedule for the next day and stated, "I can't deal with you. I can't talk to you," before hanging up the telephone. Various interviewed witnesses stated the subject had the conversation with the complainant in the Lieutenants' Office and said the subject raised his voice or yelled at the complainant. One of the witnesses stated he heard the subject yell at the complainant from across the hallway, and that the subject was visibly agitated. Accordingly, there was sufficient evidence to sustain the allegation of Unprofessional Conduct against the male subject, who received a written letter of reprimand (2016-05826).
- **Unprofessional Conduct (Inmate Related):** Allegations were made against a female Food Service Officer (Private facility) by an inmate. During the course of investigation, the subject admitted she called the inmate complainant a "Fat-Ass," and told the inmate he was "stupid." Therefore, it was determined there was sufficient evidence to sustain the allegation of Unprofessional Conduct against the female subject. The subject received a four day suspension (2016-07395).
- **Inattention to Duty:** During the course of investigation, a male Maintenance Worker Supervisor admitted that he had his eyes closed while supervising inmates in the Trust Fund area, as well as while observing three contract workers on a separate occasion. Additionally, witnesses observed the subject sitting in a chair, feet propped up and/or crossed, eyes closed and appeared to be sleeping. This occurred while he was supervising an inmate work detail and contract workers. Therefore, the allegations of Inattention to Duty and Failure to Properly Supervise Inmates were sustained against the subject. The male subject received a 2 day suspension for discipline (2016-05019).

## Representative Case Summaries

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- **Other On-Duty Misconduct:** Upon a review of the NICE Vison CCTV System, allegations were made against a female Correctional Officer for failing to respond to staff engaged in a use of force incident. Specifically, the subject failed to respond to the Operations Lieutenant's attempt to find out what was occurring in the subject's unit. Control announced staff needed assistance in the housing unit, where another Correctional Officer had confronted an inmate on the telephone masturbating at staff. An immediate use of force occurred and the inmate resisted staff directive to be placed in restraints. Responding staff assisted the Officer in restraining the inmate. The subject did not assist staff restraining the inmate. The subject stated during institutional familiarization, she was taught not to get involved if she was the staff member that the inmate was masturbating toward. The subject admitted she did not assist staff in restraining the inmate. The allegation of Failure to Respond to an Emergency was sustained against the subject. The subject resigned her position prior to the start of the disciplinary process (2016-05175).
- **Fiscal Improprieties:** The investigation determined a male Correctional Officer used his government issued travel card for unauthorized purposes on numerous occasions between May 2015 and December 2015. The subject admitted he used the card for ATM withdrawals, gasoline, groceries, personal bills, and medical expenses for his personal use without being on official travel status. The subject attended training and signed the JP Morgan Chase contract acknowledging the appropriate use of the card. The subject used the travel card for several months as if it were his own bank or credit account. Accordingly, the charge of Misuse of Travel Charge Card is sustained. The subject received a one day suspension (2016-00898).

**Failure to Follow Policy:** Two male correctional officers conducted and reported two bad counts to the Control Center. The subjects were instructed to conduct a bed book count, which consists of the other officer checking each inmate's identity against the unit bed book cards and roster, and then going back and conducting a physical count of the inmates. The subjects conducted the bed book count using the bed book cards and unit roster, but failed to conduct a physical count of the inmates after the bed book count. Both staff admitted the misconduct. Accordingly, the allegation of Failure to Follow Policy is sustained against the subjects. One subject was terminated during his probationary period, and the other subject resigned (2016-03691).

- **Off-Duty Misconduct:** There was sufficient evidence to show a male correctional officer was arrested and convicted for driving with a suspended driver's license and failure to appear in court. The subject paid fines and completed 20 hours of Community Service. As such, the allegation of Arrest and Conviction was sustained against the subject. The subject received a 5 day suspension (2016-05104).

## Representative Case Summaries

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- **Breach of Security:** Two Cook Supervisors (1 male, 1 female) admitted they did not secure the staff office door when they departed the office, which was confirmed by CCTV video evidence. As a result, an inmate entered the office and stole cigarettes from the female subject's coat pocket. Therefore, the allegation of Breach of Security and Inattention to Duty is sustained against the subjects. Both subjects received letters of reprimand (2016-01410).
- **Inappropriate Relationships with Inmates:** A male Facilities staff member admitted he initiated contact with a former inmate via the Facebook Messenger application. The subject's conversation clearly shows he was asking the former inmate questions about her job and family while sharing where he [the subject] resided (City and State). Accordingly, the allegation of Improper Contact with an Inmate/Inmate's Family was sustained against the subject. The subject received a 1 day suspension (2016-06024).
- **Inappropriate Relationships with Inmates:** During an investigation of alleged misconduct, a female Health Services staff member (Private Facility) was found to have spent an inappropriate amount of time with an inmate in the health services department. Staff interviewed had confirmed the inmate spent an inappropriate amount of time in the health services department while the subject was the only staff assigned to the area. The investigation did not substantiate that the subject and the inmate had a sexual relationship. The inmate denied any sexual contact with the subject. There is no video evidence or staff testimony to support that the inmate and the subject had sex. In addition, the subject denied any sexual contact with the inmate. The subject resigned prior to the OIG polygraph examination. Therefore, the allegation of Appearance of an Inappropriate Relationship with an Inmate is sustained. The US Attorney's Office declined prosecution of the subject (2016-07807).
- **Investigative Violations:** Allegations of Fraudulent Worker's Compensation Claims, Falsification of Documents, and Lying During an Investigation were levied against a female Teacher. An investigation substantiated the allegations that the subject submitted forged health care documents to support requests for unpaid leave. Additionally, the OIG determined the subject made false statements, while under oath, during her initial OIG interview. Staff provided six suspicious health care documents to the OIG that the subject had submitted purporting to be from three different health care providers. The subject acknowledged she had been untruthful with the OIG, and admitted that she had forged the health care documents in question. The OIG investigation concluded the subject provided six false documents to the BOP to excuse herself from work. Additionally, the subject made false statements to the OIG while under oath during her initial interview regarding this matter. The United States Attorney's Office declined prosecution in lieu of administrative remedies in this case. Therefore, the allegations of Fraudulent Worker's Compensation Claims, Falsification of Documents, and Lying During an Investigation are sustained against the subject. The subject resigned prior to receiving any disciplinary action (2016-01799).

## Representative Case Summaries

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- **Abuse of Inmates:** A male Lieutenant was subject to an excessive use of force – restraint related investigation. Staff members on the use of force team stated the inmate went from handcuffs and leg irons to four point hard restraints. The subject stated the Acting Warden authorized him (the subject) to place the inmate into four point restraints. The Acting Deputy Captain stated he was notified by the subject that the inmate was being disruptive and he received authorization from the Acting Warden to conduct a calculated use of force on the inmate, but did not receive any authorization from the Acting Warden to place the inmate in four point restraints. The Acting Warden said he authorized the calculated use of force, but did not authorize the placement into four point restraints. The allegations of Excessive Use of Force – Restraint Related, and Failure to Follow Policy were sustained against the subject. The subject received a five day suspension (2016-00215).
- **Unauthorized Release of Information:** Two female staff members admitted they accidentally loaded personal information documents into the wrong staff member's eOPF. Accordingly, the allegations of Unauthorized Release of Information and Inattention to Duty were sustained against the subjects. Both subjects received a Written Reprimand (2015-06592).
- **Bribery:** An investigation of a female Correctional Officer revealed sufficient evidence the subject received money from a civilian associated with an inmate in return for contraband. The subject admitted she received the money for providing the inmate a cell phone on one occasion. The subject stated she accepted the bribe payment from the inmate because she was "broke" and needed the money. The subject resigned from her position following her OIG interview. The subject was subsequently indicted, arrested, and convicted in the U.S. District Court for the Northern District of Alabama, for violation of 18 U .S.C. 201 (b )(2)( c) - Bribery of a Public Official. The subject was sentenced to 1 month incarceration followed by 3 years' supervised release. Additionally, the subject was ordered to forfeit \$1,474 to the government (2016-01010).
- **Introduction of Contraband (Creatine/Weightlifting):** A male staff member working at a privatized facility with a sustained allegation for Introduction of Contraband was criminally prosecuted in the District of Western Texas for Providing Contraband in Prison, Bribery of a Public Official, and Providing False Statements. He was sentenced to 3-years' probation and a \$500.00 fine (2016-00397).

## Representative Case Summaries

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- **Introduction of Contraband (Alcohol):** An investigation substantiated that a female Resident Monitor (Half-Way House) allowed inmates to leave the facility at times without signing out. Video surveillance and logs showed the inmates exiting and entering the facility without signing out. The investigation also revealed the subject accepted \$40 from an inmate on one occasion for the purpose of buying food. During this investigation, the subject's employment was terminated after she admitted to possessing alcohol inside the facility. Therefore, the allegations of Falsification of Documents, Failure to Follow Policy, Alcoholic Beverages Introduction, and Offering/Giving Anything of Value are sustained against the subject. The Assistant United States Attorney declined prosecution of the case (2015-07092).
- **Unprofessional Conduct of a Sexual Nature (Female Staff/Male Inmate):** The OIG deferred this matter to the BOP for administrative resolution. One of the subjects admitted to fabricating a phallic symbol with a banana and hamburger buns while in the presence of inmates. This same subject also admitted to joking and using sexual innuendos in the presence of inmates. The second subject admitted she wrote, "If you go down the rabbit hole," on a banana. The first subject resigned her employment. The second subject received a written reprimand (2016-00032).
- **Unprofessional Conduct of a Sexual Nature (Female Staff/Male Inmate):** The OIG deferred this matter to the BOP for administrative resolution. The investigation revealed sufficient evidence to support the allegation of Unprofessional Conduct of a Sexual Nature and Improper Contact with an Inmate/Inmate's Family against the subject. SIS staff stated they witnessed the subject with the inmate at a Greyhound Bus terminal. Video recording and pictures were taken showing the subject and inmate's interaction at the Greyhound Bus terminal, and further shows SIS staff interviewing the subject at the terminal parking lot. The subject stated she had verbal discussions with the subject concerning her professional interactions with the inmate. The subject admitted she did make arrangements to meet the inmate at the bus terminal because the subject thought nobody would follow her there and she and the inmate were only going to sit in the subject's car and talk. A copy of the subject's Time and Attendance record revealed she was on annual leave at the time of the incident and the inmate stated he and the subject met at the terminal with a hug. The inmate also stated he placed his chin on the subject's head, which may have appeared to be a kiss. The inmate stated the subject made arrangements to meet at the bus terminal weeks prior to the inmate's release. Therefore, the allegations of Unprofessional Conduct of a Sexual Nature and Improper Contact with an Inmate/Inmate's Family are sustained against the subject. The subject resigned her position with the Federal Bureau of Prisons prior to the start of the discipline process (2015-05145).

<b>Types of Sustained Misconduct for BOP Employees - FY 2015 With 69.9 Percent Closed</b>				
<b>Type of Misconduct</b>	<b>Number of Sustained Allegations</b>			
	<b>Inmate Related</b>	<b>Non Inmate Related</b>	<b>Off-Duty</b>	<b>TOTAL</b>
On-Duty Misconduct	71	230		301
Personnel Prohibitions		319	11	330
Inattention to Duty	76	143		219
Failure to Follow Policy	104	175		279
Unprofessional Conduct	49	128		177
Fiscal Improprieties	6	158		164
Off-Duty Misconduct			163	163
Breach of Security	42	55		97
Inappropriate Relationships With Inmates	78			78
Introduction of Contraband	20	52		72
Investigative Violations		51		51
Sexual Abuse of Inmates	14			14
Unauthorized Release of Information	10	6		16
Abuse of Inmates	15			15
Bribery	6	0		6
Discrimination	0	0		0

<b>Types of Sustained Misconduct for BOP Employees - FY 2014 With 86.2 Percent Closed</b>				
<b>Type of Misconduct</b>	<b>Number of Sustained Allegations</b>			
	<b>Inmate Related</b>	<b>Non Inmate Related</b>	<b>Off-Duty</b>	<b>TOTAL</b>
Personnel Prohibitions		310	25	335
Unprofessional Conduct	74	205		279
Inattention to Duty	110	238		348
On-Duty Misconduct	56	261		317
Fiscal Improprieties	12	244		256
Failure to Follow Policy	170	172		342
Off-Duty Misconduct			221	221
Breach of Security	72	72		144
Introduction of Contraband	31	52		83
Inappropriate Relationships With Inmates	120			120
Investigative Violations		66		66
Abuse of Inmates	24			24
Sexual Abuse of Inmates	20			20
Unauthorized Release of Information	14	11		25
Discrimination	0	0		0
Bribery	13	0		13

<b>Types of Sustained Misconduct for BOP Employees - FY 2013 With 95.1 Percent Closed</b>				
<b>Type of Misconduct</b>	<b>Number of Sustained Allegations</b>			
	<b>Inmate Related</b>	<b>Non Inmate Related</b>	<b>Off-Duty</b>	<b>TOTAL</b>
Personnel Prohibitions		372	20	392
Unprofessional Conduct	100	213		313
Inattention to Duty	117	213		330
On-Duty Misconduct	76	291		367
Fiscal Improprieties	16	204		220
Failure to Follow Policy	177	202		379
Off-Duty Misconduct			315	315
Breach of Security	69	133		202
Introduction of Contraband	47	57		104
Inappropriate Relationships With Inmates	142			142
Investigative Violations		96		96
Abuse of Inmates	26			26
Sexual Abuse of Inmates	25			25
Unauthorized Release of Information	19	16		35
Discrimination	1	0		1
Bribery	13	1		14

## 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 Duty<sup>1</sup>

Failure to Respond to an Emergency

Failure to Properly Supervise Inmates

Breach of Security<sup>1</sup>

Breach of Computer Security<sup>1</sup>

Falsification of Documents

Unprofessional Conduct<sup>1</sup>

Failure to Follow Policy<sup>1</sup>

Gambling/Promotion of Gambling

Endangering the Safety of an Inmate

Endangering the Safety of Others

Providing False Information Other Than During an Official Investigation

Insubordination

Accidental Discharge of a Firearm

Soliciting/Sale of Goods on Government Property

Job Favoritism

Workplace Violence

Failure to Meet Performance Standards

Failure to Follow Supervisor's Instructions

Fraudulent Workers' Compensation Claims

Conduct Unbecoming a Management Official

### Off-Duty Misconduct

Arrest and Conviction

Failure to Report Arrest

Failure to Pay Just Debts

Failure to Obtain Outside Employment Approval

DWI/DUI

Domestic Violence

Traffic Citation

Carrying an Unregistered/Concealed Firearm

Discreditable Behavior

Falsification of Records/Documents

Other Citation (Hunting, etc.)

Conflict of Interest

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

# Monitoring Assignments

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Alderson, WV .....	(Beverley Brown)	Honolulu, HI.....	(Cully Stearns)
Aliceville, AL.....	(Jerry Cramer)	Houston, TX.....	(Cully Stearns)
Allenwood, PA.....	(Brian Cregan)	Jesup, GA .....	(Chris Siwulec)
Ashland, KY .....	(Wade Houk)	La Tuna, TX .....	(Cully Stearns)
Atlanta, GA.....	(Chris Siwulec)	Leavenworth, KS.....	(Stephen Buckler)
Atwater, CA .....	(Diana Lofstead)	Lee, VA .....	(Dianna Krist)
Bastrop, TX.....	(Brian Barrick)	Lewisburg, PA.....	(Stephen Buckler)
Beaumont, TX.....	(Marty Vogel)	Lexington, KY.....	(Brian Cregan)
Beckley, WV.....	(Beverley Brown)	Lompoc, CA .....	(Wade Houk)
Bennettsville, SC.....	(Jeff James)	Loretto, PA .....	(Jeff McLaughlin)
Berlin, NH.....	(Jerry Cramer)	Los Angeles, CA .....	(Cully Stearns)
Big Sandy, KY .....	(Beverley Brown)	Manchester, KY .....	(Chris Siwulec)
Big Spring, TX.....	(Andy Tietjen)	Marianna, FL.....	(Brian Barrick)
Brooklyn, NY.....	(Andy Tietjen)	Marion, IL .....	(Bill Lowery)
Bryan, TX .....	(Jeff James)	Mendota, CA .....	(Cully Stearns)
Butner, NC .....	(Pete Farrington)	McCreary, KY.....	(Brian Barrick)
Canaan, PA .....	(Janis Johnson)	McDowell, WV .....	(Andy Tietjen)
Carswell, TX.....	(Brian Cregan)	McKean, PA .....	(Brian Barrick)
Chicago, IL .....	(Jerry Cramer)	Memphis, TN .....	(Jeff James)
Coleman, FL .....	(Dianna Krist)	Miami (FDC & FCI), FL.....	(Janis Johnson)
Cumberland, MD .....	(Jeff McLaughlin)	MXRO, MD .....	(Janis Johnson)
Danbury, CT .....	(Brian Barrick)	Milan, MI .....	(Jerry Cramer)
Devens, MA .....	(Andy Tietjen)	Montgomery, AL.....	(David Rhodes)
Dublin, CA.....	(Diana Lofstead)	Morgantown , WV.....	(Diana Lofstead)
Duluth, MN.....	(Stephen Buckler)	New York, NY .....	(Brian Barrick)
Edgefield, SC .....	(Chris Siwulec)	NCRO, KS.....	(Dianna Krist)
El Reno, OK.....	(Beverley Brown)	NERO, PA.....	(Bill Lowery)
Elkton, OH .....	(Jerry Cramer)	Oakdale, LA .....	(Jeff James)
Englewood, CO.....	(Wade Houk)	Oklahoma, OK .....	(Jeff McLaughlin)
Estill, SC .....	(Brian Cregan)	Otisville, NY .....	(Janis Johnson)
Fairton, NJ.....	(Chris Siwulec)	Oxford, WI.....	(Wade Houk)
Florence, CO.....	(Marty Vogel)	Pekin, IL .....	(Dianna Krist)
Forrest City, AR.....	(David Rhodes)	Pensacola, FL .....	(Jerry Cramer)
Fort Worth, TX .....	(Jeff James)	Petersburg, VA .....	(Beverley Brown)
Fort Dix, NJ .....	(Erik Anderson)	Philadelphia, PA.....	(Jeff McLaughlin)
Gilmer, WV.....	(Wade Houk)	Phoenix, AZ .....	(David Rhodes)
Grand Prairie, TX.....	(Jeff James)	Pollock, LA .....	(Cully Stearns)
Greenville, IL.....	(David Rhodes)	Ray Brook, NY.....	(Jeff McLaughlin)
Guaynabo, PR .....	(Beverley Brown)	Rochester, MN .....	(Stephen Buckler)
Hazelton, WV .....	(Pete Farrington)	Safford, AZ.....	(Cully Stearns)
Herlong, CA.....	(Diana Lofstead)	San Diego, CA.....	(Diana Lofstead)

## Monitoring Assignments

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Sandstone, MN..... (Jeff James)  
Schuylkill, PA .....(Brian Cregan)  
Seagoville, TX .....(Diana Lofstead)  
SeaTac, WA ..... (Jerry Cramer)  
Sheridan, OR.....(Cully Stearns)  
SCRO, TX..... (Jeff James)  
SERO, GA.....(Bill Lowery)  
Springfield, MO .....(Stephen Buckler)  
Talladega, AL ..... (Jerry Cramer)  
Tallahassee, FL ..... (David Rhodes)  
Terminal Island, CA.....(Diana Lofstead)  
Terre Haute, IN ..... (Stephen Buckler)  
Texarkana, TX.....(Wade Houk)  
Thomson, IL.....(Stephen Buckler)  
Three Rivers, TX..... (Jeff McLaughlin)  
Tucson, AZ..... (Brian Cregan)  
Victorville, CA ..... (Bill Lowery)  
Waseca, MN .....(Beverley Brown)  
WRO, CA ..... (Diana Lofstead)  
Williamsburg, SC ..... (Pete Farrington)  
Yankton, SD ..... (Stephen Buckler)  
Yazoo City, MS..... (Jeff McLaughlin)