

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

**Office of Internal Affairs
Report for Fiscal Year 2020**



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Executive Summary of Findings

This report from the Office of Internal Affairs (OIA) for Fiscal Year 2020 provides information concerning the types and frequency of misconduct that occurs within the Bureau of Prisons (BOP) operations. The report is intended for managers and supervisors to address any trends and to identify any need for training to prevent misconduct from occurring.

The report examines all aspects of BOP operations, and therefore data is examined for BOP employees; Public Health Staff (PHS) staff who work in BOP facilities; Contractors and volunteers that work in BOP facilities; and Contractors that manage inmates in outside facilities such as Residential Reentry Centers (RRC) and secure private facilities.

OIA tracks several data points, to include the number of allegations received; the number of cases treated as complaints; the number of cases opened; and the number of cases closed (i.e. OIA has determined whether an allegation is sustained or not sustained); and the number, type, and gender of employees involved.

The data is tracked through broad categories of misconduct, which includes behavior of varying levels of seriousness. The offenses included in these broad categories, as well as representative examples of some cases, can be found in the Appendices.

Please note, the data system used by OIA is dynamic; i.e. subject to change as new allegations are discovered, cases are closed, etc. In addition, as some matters continue from one fiscal year to another, it is difficult to provide exact figures for the reporting period. Therefore, this report is meant to provide a “snapshot” which will be instructive for agency management.

Findings from FY 20 include the following:

- There was a 19.6 percent increase in the total number of misconduct allegations reported in Fiscal Year 2020, as compared with Fiscal Year 2019. The rate of reported misconduct allegations specifically for BOP employees increased 20.4 percent from Fiscal Year 2019.
- There was a 19.2 percent increase in the number of cases opened in Fiscal Year 2020, as compared with Fiscal Year 2019.
- Cases classified as Classification 1 offenses showed an increase of 17.2 percent; cases classified as Classification 2 offenses showed an increase of 19.9 percent; and cases classified as Classification 3 offenses showed an increase of 19.7 percent.
- The most frequently reported type of misconduct in Fiscal Year 2020 was Unprofessional Conduct. Other On-Duty Misconduct and Failure to Follow Policy placed second and third, respectively.

Executive Summary of Findings

- All categories of reported misconduct showed an increase from Fiscal Year 2019, except for the allegations of Sexual Abuse of Inmates (decrease of 7.93 percent), Introduction of Contraband (decrease of 17.60 percent), and Bribery (decrease of 16.10 percent).
- During Fiscal Year 2020, seven cases involved Patriot Act violations. As of March 17, 2021, four cases remained open pending investigation. No cases involving Patriot Act violations were sustained.
- The most frequently sustained categories of misconduct among BOP employees with a sustained decision as of March 17, 2021, were Failure to Follow Policy and Personnel Prohibitions.
- As of March 17, 2021, the most frequently sustained category of misconduct among both male and female BOP employees was Failure to Follow Policy. For those BOP employees with a sustained decision as of March 17, 2021, the rate was highest among Correctional Services staff.
- As of March 17, 2021, 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.
- There were three sustained allegations of Physical Abuse as of March 17, 2021, stemming from three separate incidents. Three subjects were BOP employees; two employees were suspended, as a result of the sustained allegations, and the other received a written reprimand. The remaining one subject was a contractor at a privatized facility, who was terminated as a result of the sustained allegation. None of the subjects were criminally prosecuted.
- During Fiscal Year 2020, 351 allegations of Introduction of Contraband were reported. As of March 17, 2021, 35 of these allegations were sustained. There were 34 individuals involved in the sustained allegations of Introduction of Contraband.
- During Fiscal Year 2020, 651 allegations of Sexual Abuse were either reported to the OIA or detected during the course of an investigation. As of March 17, 2021, five of these allegations were sustained.

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 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 emailed to BOP-DIR-InternalAffairs-S@bop.gov or 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

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.

Submitting Initial Information

A Referral of Incident form (BP-A715.012) is used to organize the information to be provided (for contract employees form BP-A774.012 is used). 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. 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 often based upon limited information.

All signed Referral of Incident forms (BP-S715.012 or BP-S774.012), in tandem with appropriate predating 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, "BOP-DIR/InternalAffairs-Referrals-S." The signed Referral of Incident form should appear on the top of the file with all supporting documentation underneath.

Reporting Incidents of Misconduct

Complaints

Matters designated by the OIA as complaints are forwarded to the CEO via memorandum. Such complaints will be categorized as follows: Complaint for Information and Complaint for Disposition.

Additionally, correspondence received by the OIA, which has been determined to not include any discernable allegation of staff misconduct, will be forwarded to the CEO directly.

During Fiscal Year 2020, the OIA reviewed 685 items, which did not contain any discernable allegation of staff misconduct. These matters were forwarded to the CEO directly.

A **Complaint for Information** will be sent via memorandum in the event the OIA has reviewed a referred matter, and determined the allegation(s) do not rise to a level of staff misconduct.

During Fiscal Year 2020, the OIA opened 385 matters as a Complaint for Information. (This value does not include additional information received by the OIA concerning Complaints for Information which were already opened within Fiscal Year 2019).

A **Complaint for Disposition** will be sent via memorandum for CEO edification and review. A summary of the CEO's findings is not required by the OIA. Should the CEO determine, however, that any misconduct might have occurred, he/she will make an appropriate referral back to the OIA in accordance with policy. These complaints are generally received from external sources (e.g. deferred by OIG) for OIA review.

During Fiscal Year 2020, the OIA opened 3,732 matters as a Complaint for Disposition. (This value does not include additional information received by the OIA concerning Complaints for Disposition which were already opened within Fiscal Year 2020).

Review of Local Staff Misconduct Investigations

The CEO must receive OIA approval prior to initiating a local investigation. The investigator must forward the complete investigative packet for all misconduct investigations 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-S" (not to be confused with OIA's main resource mailbox, "BOP-DIR/Internal Affairs-S"). The subject of your e-mail message should include the OIA case number and the facility mnemonic code (e.g., 2020-00001 - 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).

Do not send an e-mail that exceeds 14.0 MB in size (including attachments).

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

Time Guidelines

Local investigators must complete investigative packets and forward them 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 ten 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 the investigative packet has been 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. Special Investigative Agents/Special Investigative Services (SIAs/SISs) should continue to work with the OIA monitoring agent assigned to their facility on an ongoing and recurring basis. SIAs/SISs should provide updates on any outstanding matters. The OIA monitoring 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 deprivation of an individual's rights under color of law. 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 2020, the OIA opened 5,270 cases involving 6,593 BOP employees, 26 contract employees working in BOP facilities, 42 Public Health Service (PHS) employees working in BOP facilities, two volunteers working in BOP facilities, 112 contract/residential reentry center employees, 279 employees working in privatized facilities, and nine other individuals.

These 5,270 cases represent a 19.2 percent increase from the 4,421 cases opened during Fiscal Year 2019. The rate of reported misconduct among BOP employees increased 18.5 percent from Fiscal Year 2019.

The 5,270 cases opened during Fiscal Year 2020 were classified as follows:

Classification 1	1,138
Classification 2	1,401
Classification 3	2,731

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

Cases classified as Classification 1 offenses showed an increase of 17.2 percent, cases classified as Classification 2 offenses showed an increase of 19.9 percent, and cases classified as Classification 3 offenses showed an increase of 19.7 percent.

Table 1: Types of Reported Misconduct - Fiscal Year 2020					
Types of Misconduct	Number of Reported Allegations				
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL	% Change from 2019
Total	6,103	5,193	521	11,817	+ 23.90
Abuse of Inmates	1,254			1,254	+ 38.41
Sexual Abuse of Inmates	499			499	- 7.93
Introduction of Contraband	220	131		351	- 17.60
Discrimination	7	6		13	+ 333.33
Fiscal Improprieties	117	277		394	+ 11.30
Bribery	68	5		73	- 16.10
Inappropriate Relationships With Inmates	531			531	+ 6.63
Investigative Violations		113		113	+ 34.52
Personnel Prohibitions		1,172	28	1,200	+ 20.60
Unauthorized Release of Information	80	43		123	+ 12.84
Inattention to Duty	557	430		987	+ 56.17
Breach of Security	187	197		384	+ 45.45
Unprofessional Conduct	976	606		1,582	+ 29.35
Failure to Follow Policy	782	590		1,372	+ 35.17
Failure to Follow Supervisor's Instructions		985		985	+ 26.93
Other On-Duty Misconduct	825	638		1,463	+ 21.31
Other Off-Duty Misconduct			493	493	+ 18.22

Table 1 provides a breakdown of those categories of misconduct reported during Fiscal Year 2020.

Note: A single case may contain multiple allegations; therefore, the number of misconduct allegations exceeds the number of opened cases.

Reported Misconduct

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 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.

During Fiscal Year 2020, seven cases involved potential Patriot Act violations. As of March 17, 2021, four cases remained open pending investigation.

Closed/Sustained Misconduct

NOTES

All figures in this section relate to cases, which were opened during Fiscal Year 2020 and were closed as of March 17, 2021. Figures are subject to change as additional cases are closed, and only relate to cases which 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 2020.

5,270 cases were opened during Fiscal Year 2020. As of March 17, 2021, 1,663 (31.6 percent) were closed. The remaining 3,607 cases (68.4 percent) were still open pending investigation.

Of the 1,663 cases closed: 1,547 (93.0 percent) were investigated at the institution level (“local investigation”) with authorization and monitoring provided by the OIA; 86 (5.2 percent) were OIA on-site investigations; and 30 (1.8 percent) were investigated by the OIG.

Of the 1,663 cases closed, 478 (28.7 percent) were sustained. Misconduct was sustained against 445 BOP employees, five contractors working in a BOP facility, two PHS employees working in a BOP facility, eight contract/residential reentry center employees, 73 contractors working in privatized facilities, and two other non-BOP individuals.

BOP Employees

Out of 36,875 active-duty BOP employees, there were 6,593 BOP employees identified as subjects of alleged misconduct in cases opened during Fiscal Year 2020. As of March 17, 2021, the cases had been closed for 29.0 percent of those employees. Of the 29.0 percent (or 1,912 employees), 23.3 percent (445 employees) had a sustained decision (1.2 percent of total BOP employees).

Table 2 (on the following page) reflects the categories of misconduct sustained against BOP employees in cases closed as of March 17, 2021. The most frequently sustained categories of misconduct were Failure to Follow Policy and Personnel Prohibitions. Please note, the number of sustained allegations will vary, as some BOP employees were involved with multiple allegations.

Closed/Sustained Misconduct

Table 2: Types of Sustained Misconduct for BOP Employees - FY 2020 With 31.6 Percent Closed				
Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Total	169	476	33	678
Abuse of Inmates	3			3
Sexual Abuse of Inmates	2			2
Introduction of Contraband	5	23		28
Discrimination	0	0		0
Fiscal Improprieties	1	21		22
Bribery	2	0		2
Inappropriate Relationships With Inmates	26			26
Investigative Violations		11		11
Personnel Prohibitions		102	3	105
Unauthorized Release of Information	1	3		4
Inattention to Duty	39	40		79
Breach of Security	9	8		17
Unprofessional Conduct	9	37		46
Failure to Follow Policy	38	78		116
Failure to Follow Supervisor's Instructions	0	101		101
Other On-Duty Misconduct	34	52		86
Other Off-Duty Misconduct			30	30

Closed/Sustained Misconduct

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. In addition, a subject may be charged with multiple types of misconduct in any particular incident(s). The *Douglas* factors¹ must be considered when deciding the appropriate penalty to impose on employees if the penalty will be an adverse action.

Douglas Factors

The *Douglas* factors derive from the Merit Systems Protection Board (MSPB) decision, *Douglas v. Veterans Administration*. In *Douglas*, the MSPB identified a non-exhaustive list of twelve factors which deciding officials must evaluate in determining the appropriate penalty to impose in cases of sustained 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;

¹See *Douglas vs. Veterans Administration*, 5 M.S.P.R. 280 (1981).

Closed/Sustained Misconduct

- 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 relevant *Douglas* factors, and need not consider all the *Douglas* factors in every case. In addition, some of the *Douglas* factors may weigh in favor of a serious penalty, while others may weigh in favor of mitigation. It is incumbent upon the CEO to choose the appropriate penalty within these guidelines.

Statistics

As of March 17, 2021, the following actions were taken for those BOP employees with a sustained finding in Fiscal Year 2020 (including findings on allegations that were made in prior fiscal years):

Written Reprimand	92
Resignation	60
Suspension	196
No Action.....	17
Retirement.....	26
Termination.....	34
Combined With Action in another OIA Matter	6
Demotion	5
Other	9

The specific type of misconduct most frequently sustained against those individuals for whom no disciplinary action was taken was Misuse of Travel Charge Card (\$1,000).

Closed/Sustained Misconduct

Gender

Tables 3 and 4 (on the following pages) reflect the categories of sustained allegations for male and female BOP employees as of March 17, 2021. 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 Failure to Follow Supervisor's Instructions.

Closed/Sustained Misconduct

Table 3: Types of Sustained Misconduct for Male BOP Employees - Fiscal Year 2020 With 31.6 Percent Closed				
Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Abuse of Inmates	3			3
Sexual Abuse of Inmates	0			0
Introduction of Contraband	3	15		18
Discrimination	0	0		0
Fiscal Improprieties	1	16		17
Bribery	1	0		1
Inappropriate Relationships With Inmates	7			7
Investigative Violations		8		8
Personnel Prohibitions		76	4	80
Unauthorized Release of Information	0	1		1
Inattention to Duty	29	33		62
Breach of Security	8	7		15
Unprofessional Conduct	7	28		35
Failure to Follow Policy	28	62		90
Failure to Follow Supervisor's Instructions	0	70		70
Other On-Duty Misconduct	26	40		66
Other Off-Duty Misconduct			23	23

Those categories of misconduct highlighted in pink 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 2020 With 31.6 Percent Closed				
Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Abuse of Inmates	0			0
Sexual Abuse of Inmates	2			2
Introduction of Contraband	2	8		10
Discrimination	0	0		0
Fiscal Improprieties	0	5		5
Bribery	1	0		1
Inappropriate Relationships With Inmates	19			19
Investigative Violations		3		3
Personnel Prohibitions		25	1	26
Unauthorized Release of Information	1	2		3
Inattention to Duty	7	7		14
Breach of Security	1	1		2
Unprofessional Conduct	2	7		9
Failure to Follow Policy	9	16		25
Failure to Follow Supervisor's Instructions	0	31		31
Other On-Duty Misconduct	8	12		20
Other Off-Duty Misconduct			2	2

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

Closed/Sustained Misconduct

Job Discipline

As of March 17, 2021, 445 BOP employees identified as misconduct subjects during Fiscal Year 2020 had a sustained decision.

Table 5 reflects the rate of misconduct among the various job disciplines.

Table 5: Discipline of BOP Employees With Sustained Misconduct - FY 2020 With 31.6 Percent Closed			
Discipline	Total Employees	Number of Employees With Sustained Misconduct	Rate Per 100 Total Employees
Human Resources	497	6	1.21
Mechanical Services	2,462	13	0.53
Psychology Services	1,179	6	0.51
Recreation	816	4	0.49
CEOs Office and Staff	775	6	0.77
Food Service	1,774	18	0.02
Computer Services	249	2	0.80
Correctional Services	16,181	313	1.93
Health Services/Safety	2,854	23	0.81
Unit Management	2,960	17	0.57
Religious Services	334	1	0.30
Records/Inmate Systems	1,145	3	0.26
Education & Vocational Training	1,010	10	0.99
Financial Management	1,461	10	0.69
Central Office/Staff Training Centers	1,932	5	0.26
UNICOR	526	2	0.38
Inmate Services	492	2	0.41
Other*	228	1	0.44

* "Other" staff includes those assigned to work areas other than those listed (e.g. NIC).

Closed/Sustained Misconduct

Residential Reentry Center Employees and Drug Treatment Contractors

There were 112 contract/residential reentry center employees identified as misconduct subjects in Fiscal Year 2020. As of March 17, 2021, OIA closed cases for 71.4 percent of those 112 contractors. Of the 71.4 percent (or 80 contractors), 7.1 percent (or 9 contractors) had a sustained decision.

There were no drug treatment contractors identified as misconduct subjects during Fiscal Year 2020.

Table 6: Sustained Misconduct – Residential Reentry Center Employees / Drug Treatment Contractors – FY 2020			
Allegation	Inmate Related	Non Inmate Related	Off-Duty
Inappropriate Relationship with Inmates	9		
Investigative Violations		2	
Unauthorized Release of Information	0	0	
Inattention to Duty	0	0	
Failure to Follow Policy	0	1	
Unprofessional Conduct	1	0	
Personnel Prohibitions		1	
Other On-Duty Misconduct	1	1	
Off-Duty Misconduct		0	

Closed/Sustained Misconduct

Contractors in Privatized Facilities

There were 279 contractors working in privatized facilities identified as misconduct subjects during Fiscal Year 2020. As of March 17, 2021, OIA closed cases for 64.5 percent of those 279 contractors. Of the 64.5 percent (or 180 contractors), 26.2 percent (or 73 contractors) had a sustained decision.

Table 7 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 Unprofessional Conduct.

Table 7: Types of Sustained Misconduct for Staff in Privatized Facilities - Fiscal Year 2020 With 64.5 Percent Closed				
Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Abuse of Inmates	1			1
Sexual Abuse of Inmates	1			1
Introduction of Contraband	2	1		3
Discrimination	0	0		0
Fiscal Improprieties	0	0		0
Bribery	0	0		0
Inappropriate Relationships With Inmates	10			10
Investigative Violations		7		7
Personnel Prohibitions		3	0	3
Unauthorized Release of Information	0	0		0
Inattention to Duty	1	2		3
Breach of Security	4	0		4
Unprofessional Conduct	6	11		17
Failure to Follow Policy	6	16		22
Failure to Follow Supervisor's Instructions			2	2
Other On-Duty Misconduct	2	4		6
Other Off-Duty Misconduct			31	31

Closed/Sustained Misconduct

Contractors and Volunteers Working in BOP Facilities

There were 26 contractors and two volunteers working in BOP facilities identified as misconduct subjects during Fiscal Year 2020.

As of March 17, 2021, OIA closed cases for nine contractors and two volunteers. Five contract employees had a sustained decision.

Table 8: Sustained Misconduct - Contract Employees/Volunteers – FY 2019			
Allegation	Inmate Related	Non Inmate Related	Off-Duty
Sexual Abuse of Inmates	2	0	
Introduction of Contraband	4	0	
Inappropriate Relationship with Inmates	2		
Inattention to Duty	0	0	
Breach of Security	0	0	
Other On-Duty Misconduct	0	0	
Other Off-Duty Misconduct			0

Closed/Sustained Misconduct

PHS Employees Working in BOP Facilities

Of the approximately 593 PHS employees working in BOP facilities, 42 were identified as misconduct subjects during Fiscal Year 2020. As of March 17, 2021, OIA closed 16.7 percent of cases involving those 42 PHS employees. Of the 23.8 percent (or 10 PHS employees), two had a sustained decision.

Table 9: Sustained Misconduct – PHS Employees – FY19			
Allegation	Inmate Related	Non Inmate Related	Off-Duty
Breach of Security	0	0	
Unprofessional Conduct	0	0	
Failure to Follow Policy	0	0	
Fiscal Improprieties	0	1	
Other Off-Duty Misconduct			1

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.

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.

Physical Abuse of Inmates

Statistics

During Fiscal Year 2020, 608 allegations of Physical Abuse of Inmates were either reported to the OIA, or detected during the course of an investigation. As of March 17, 2021, OIA closed cases for 35.0 percent (or 213) 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 2020 were sustained as of March 17, 2021, stemming from three separate incidents.

One inmate involved sustained minor/slight injury. Two inmates involved sustained minor/no injuries (harassment).

Three subjects with a sustained allegations of Physical Abuse of Inmates were BOP employees. Two BOP employees were suspended, and one was given a written reprimand, as a result of the sustained allegations.

One subject was a contractor in a privatized facility, and was terminated as a result of the sustained allegation.

None of the involved subjects 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;

Introduction of Contraband

(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.

Introduction of Contraband

Statistics

During Fiscal Year 2020, 351 allegations of Introduction of Contraband were either reported or detected during the course of an investigation. As of March 17, 2021, OIA closed cases for 28.8 percent (or 101) of those allegations. Of the 28.8 percent, 10.0 percent (35) were sustained:

Table 10: Introduction of Contraband		
Type of Contraband	Inmate Related	Non Inmate Related
Soft Item	3	0
Weapons	0	13
Unauthorized Electronic Device	2	10
Cigarettes/Tobacco	4	
Heroin and Derivatives	0	1
Alcoholic Beverages	1	0
Creatine/Weightlifting Supplement	1	0

There were 34 individuals involved in the sustained allegations of Introduction of Contraband. Twenty-eight of these individuals were BOP employees (18 male and 10 female). Seventeen of the BOP employees worked in Correctional Services, four worked in Health Services/Safety, three worked in Food Service, two worked in Recreation, one worked in Unit Management, one worked in the CEO's Office, five were contractors working in Privatized facilities, and one was a contractor working in a BOP facility.

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

Sexual Abuse of Inmates

will be subjected to death, serious bodily injury, or kidnapping); or

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

(A) incapable of appraising the nature of the conduct; or

(B) physically incapable of declining participation in, or communicating unwillingness to engage in, that sexual act;

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

§2243 Sexual Abuse of a Ward

(b) Of a ward - Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, or in any prison, institution, or facility in which persons are held in custody by direction of or 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.

The BOP's policy concerning compliance with the Prison Rape Elimination Act is in Program Statement 5324.12, Sexually Abusive Behavior Prevention and Intervention Program.

Sexual Abuse of Inmates

Statistics

During Fiscal Year 2020, 554 allegations of Sexual Abuse were either reported to the OIA or detected during the course of an investigation. Of the 554 allegations, 483 involved BOP employees, one involved a PHS employee working in a BOP facility, 30 involved contract staff working in residential reentry facilities, 33 involved contractors working in privatized facilities, five involved contract staff working in a BOP facility, one involved a volunteer, and one involved an “other” staff (assigned to a work area other than listed, e.g. NIC).

The allegations that appeared with the most frequency were Unprofessional Conduct of a Sexual Nature between male staff and male inmates, with 165 allegations reported, and Abusive Sexual Contact between male staff and male inmates, with 164 allegations reported.

As of March 17, 2021, five allegations of Sexual Abuse reported during Fiscal Year 2020 were sustained. These allegations involved two BOP employees, two contract/residential reentry employees, and one employee working in a privatized facility; 215 allegations were not sustained; 304 allegations were pending.

Representative Case Summaries

The following are brief summaries of some of the cases which were completed recently:

- **Falsification of Documents**

A local investigation revealed a female BOP Correctional Officer indicated that she had made a round as per policy, but she had not made a round at 2:56 a.m., as she documented on the 30-minute round sheet. Accordingly, due to her admission, there was sufficient evidence to sustain the allegation of Falsification of Documents against her. The subject received a 21-day suspension. (OIA-2020-02366)

- **Physical Abuse of an Inmate – Minor/Slight Injury; Unprofessional Conduct; Providing Inaccurate Information Other Than During an Official Investigation**

A local investigation revealed that a male staff member in a Privatized Facility called an inmate an “asshole,” pushed him causing a slight injury to the head, and illegitimately claimed that the inmate assaulted him. The allegations of Physical Abuse, Unprofessional Conduct, and Providing an Inaccurate Statement Other Than During an Official Investigation were sustained. The subject was terminated. (OIA-2020-00238)

- **Unauthorized Release of Information; Inattention to Duty**

A local investigation revealed a male BOP Human Resource Manager sent an email containing another individual's credit report to an applicant. He admitted that he inadvertently released a credit report to an applicant that was not that applicant's credit report. Additionally, he admitted to knowing what is contained in a credit report and that he should have safeguarded the information, as well as doubled checked his email to verify what he was sending to the applicant. Accordingly, there was sufficient evidence to sustain the allegations of Unauthorized Release of Information and Inattention to Duty against him. The subject received a written reprimand. (OIA-2020-02487)

- **Sexual Abuse of Inmates – Female Staff/Male Inmate; Appearance of an Inappropriate Relationship; Improper Contact with an Inmate/Inmate's Family; Offering/Giving Anything of Value; Preferential Treatment of Inmates**

An OIG investigation revealed a female Teacher engaged in a sexual relationship with a male inmate. The subject admitted to picking the inmate up, upon his release, and having sexual intercourse. The subject admitted to providing financial support to the inmate, to include the purchase of stereo equipment for his recording studio, a seven-day cruise to Belize, concert tickets, and the purchase of two vehicles. The subject also provided financial support to the inmate's mother and the inmate's children. Additionally, the subject admitted to being Facebook friends with and providing financial support to other former inmates. Based on her admission and supporting statements, the allegations of Sexual Abuse of Inmates – Female Staff/Male Inmate, Appearance of an Inappropriate Relationship, Improper Contact with an Inmate/Inmate's Family, and Offering/Giving Anything of Value were sustained against the subject, who resigned from the BOP. (OIA-2020-03898)

Representative Case Summaries

- **Weapons Introduction – Handgun**

A local investigation revealed a male BOP Correctional Officer introduced a handgun into the facility. Specifically, on March 1, 2020, at approximately 4:03 p.m., as the Front Lobby Officer was processing the subject's backpack through the X-Ray machine, he observed a picture of what appeared to be a handgun on the X-Ray monitor. The Front Lobby Officer stopped the X-Ray machine and asked the subject if he had a handgun inside of his backpack. The subject claimed ownership of the handgun and expressed his apologies for forgetting to take it out of his backpack before coming into work. The subject stated his daughter was sick earlier in the day, he switched vehicles with his wife, and he rushed into work which caused him to forget to remove his handgun from his backpack prior to coming inside of the Front Lobby. The subject stated he understood firearms are not allowed on the property without proper approval. There was sufficient evidence to sustain the allegation of Weapons Introduction – Handgun against subject. The subject was terminated. (OIA-2020-02905)

- **Appearance of an Inappropriate Relationship, Improper Contact with an Inmate/Inmate's Family, Offering/Giving Anything of Value, Unprofessional Conduct of a Sexual Nature – Female Staff/Male Inmate**

An OIG investigation revealed a female Correctional Officer corresponded with a male inmate via phone and email. The staff member gave the inmate's daughter money to place on the inmate's commissary account. The allegations of Appearance of an Inappropriate Relationship, Improper Contact with an Inmate/Inmate's Family, and Offering/Giving Anything of Value were sustained. The subject resigned and declined to be interviewed by OIG. (OIA-2020-00894)

- **Failure to Pay Just Debts**

A local investigation revealed a male Privatized Facility Correctional Officer failed to pay a past due medical bill in the amount of \$524.00. A female Privatized Facility Human Resource Manager stated that during the subject's five-year periodic re-investigation process, a credit report revealed he had an outstanding unpaid debt of \$524.00, which was confirmed by a Discovery Services, LLC, investigation, Case #2019276009, Background Screening Report. The subject signed an Acknowledgment of Financial Responsibility on October 15, 2019, and on August 29, 2014. The subject acknowledged the \$524.00 debt was for a medical bill, and that he was aware of the debt prior to the background investigation. The subject stated he had overlooked the debt and did not notify Human Resources or a supervisor prior to the background investigation. There was sufficient evidence to sustain the allegation of Failure to Pay Just Debts against the subject. The subject received a written reprimand. (OIA Case No. 2020-03291)

- **Threatening an Inmate/Verbal Abuse; Unprofessional Conduct**

A local investigation revealed that a male Cook Foreman used obscene language and threatened to defecate in an inmate's food, if he/she talked during count. The subject received a ten-day suspension. (OIA-2020-00620)

Representative Case Summaries

- **Use/Abuse of Illegal Drugs/Alcohol**

A local investigation revealed that a male Contract Specialist used prescription medication not prescribed to him. Independent lab results from Quest Diagnostics revealed the subject tested positive for use of Amphetamines, during a random urinalysis. The subject received a seven-day suspension and also received a proposal for removal, which was suspended due to subject's placement on a Last Chance Agreement. (OIA-2020-02042)

- **Breach of Computer Security, Failure to Follow Policy, and Inattention to Duty**

A local investigation revealed that a male Correctional Officer plugged an unauthorized electronic device into a government computer located at the rear gate. The subject also failed to exit the rear gate and search a vehicle that was departing institution grounds. The allegations of Breach of Computer Security, Failure to Follow Policy, and Inattention to Duty were sustained. The subject retired, prior to the completion of the disciplinary process. (OIA-2020-00078)

- **Endangering the Safety of Others; Failure to Follow Policy**

A local investigation revealed a male BOP Lieutenant assigned a male Correctional Officer to disperse less than lethal munitions on a Calculated Use of Force against an inmate during an Evening Watch shift. The Correctional Officer stated he reported to the Use of Force and was instructed by the Lieutenant to be the #5 man on the second use of force team. The Correctional Officer stated he assumed that position, but he was not told by the Lieutenant to don any protective gear, as the teams were ready to enter the cell. The Correctional Officer stated that he participated in the Use of Force without any of the required protective gear. The Lieutenant stated that when the Use of Force teams were ready to enter the cell, he observed that he was short one team member and instructed the Correctional Officer to assume that position. The Lieutenant stated that he did not tell the Correctional Officer to put on the required protective gear and allowed him to enter the cell without it. The video revealed that the Correctional Officer was seen entering the cell without the protective gear and during the debriefing, the Correctional Officer identified himself. Therefore, the allegations of Endangering the Safety of Others and Failure to Follow Policy were sustained against the Lieutenant. The subject received a three-day suspension. (OIA-2020-03609)

- **Inattention to Duty**

A local investigation revealed that a male Correctional Officer was discovered to be asleep in a chair, while on duty. The subject admitted he had fallen asleep, briefly. The subject received a written reprimand. (OIA-2020-00236)

Representative Case Summaries

- **DWI/DUI**

A local investigation revealed that a male Public Health Service staff member was arrested and charged with Driving While Intoxicated (DWI). The staff member admitted he had been drinking and pled guilty to the court and the BAC breath sample registered at .207. The subject received a written reprimand. (OIA-2020-00727)

- **Failure to Follow Supervisor's Instructions**

A local investigation revealed a male BOP Correctional Officer did not follow his supervisor's instructions. Specifically, a male Lieutenant stated he told a male Correctional Officer that he was #7 on the mandatory overtime list and he would therefore be required to work mandatory overtime. The Lieutenant stated the subject refused to work the overtime. The Lieutenant explained that five of the staff members listed ahead of the subject were already working double shifts, one staff member refused, and another staff member was on his Friday. The subject stated the Lieutenant only asked him, "What if I told you, you were next on the mandatory overtime list." The subject stated he replied, "I would have to tell you no." The subject stated the Lieutenant never told him to work the mandatory overtime, the Lieutenant just asked the question. The allegation of Failure to Follow Supervisor's Instructions was sustained against the subject. The subject received a one-day suspension. (OIA-2020-03873)

- **Unauthorized Release of Information; Failure to Follow Policy; Inattention to Duty**

A local investigation revealed a female BOP Human Resource Manager notified a female Union President that a two-day suspension was being issued to a bargaining unit employee for Conduct Unbecoming a Law Enforcement Officer. The subject included the letter with the name of the employee as an attachment to an email. The subject was not the deciding official for this disciplinary action, and she was not given approval from the Warden to release this information to the staff member nor to render the decision. The subject admitted she forwarded the letter to the Union and the bargaining unit staff member. The subject stated she was "under pressure," "got in a hurry," and "did not pay attention" to what she was doing. There was sufficient evidence to sustain the allegations of Unauthorized Release of Information, Failure to Follow Policy, and Inattention to duty against the subject. The subject received a demotion. (OIA-2020-03900)

- **Absent Without Leave; Failure to Follow Supervisor's Instructions**

A local investigation revealed that a male Correctional Officer, failed to produce medical documentation for his consecutive absences, after having been instructed to do so in a memorandum addressing his abuse of sick leave. The subject was removed from his position effective December 29, 2020. (OIA-2020-04486)

Representative Case Summaries

- **Unauthorized Electronic Device Introduction; Breach of Security**

A local investigation revealed that a male Correctional Officer brought his personal cellphone into the institution. The subject stated that he did not realize that he brought it in, until he heard it ring in his jacket pocket, at which point he immediately returned the cellphone to his personal vehicle. Further, it was revealed that the male Correctional Officer assigned to the Front Lobby failed to properly screen the subject's belongings thereby allowing the cellphone to be introduced into the institution. The allegation of Unauthorized Electronic Device was sustained against the subject, and the allegation of Breach of Security was sustained against the Front Lobby Officer. The Correctional Officer who introduced the cellphone received a one-day suspension, and the Front Lobby Officer received a written reprimand. (OIA-2020-02862)

- **Breach of Computer Security; Failure to Follow Policy**

A local investigation revealed that a male Correctional Officer plugged his cellular telephone into the USB port of the computer located in the tower. He stated that he was not aware he could not use his cellular telephone to listen to music. The allegations of Breach of Computer Security and Failure to Follow Policy were sustained. The subject was issued a written reprimand. (OIA-2020-01326)

- **Unprofessional Conduct of a Sexual Nature**

A local investigation revealed a male BOP Correctional Officer was unprofessional toward a female BOP Correctional Officer. Specifically, the subject stated that he handed a note to the female Correctional Officer on May 25, 2020, while she was working in the Front Lobby. The note read, "I have an overwhelming desire to give you a FBSM with some c-lingus." The subject stated FBSM stood for "full body sexual massage" and the c-lingus referred to oral sex. The subject stated he had not spoken to the female Correctional Officer in this manner previously. Therefore, the allegation of Unprofessional Conduct of a Sexual Nature was sustained against the subject. The subject received a 21-day suspension. (OIA-2020-04585)

- **Failure to Follow Supervisor's Instructions; Unprofessional Conduct; Lack of Candor**

A local investigation revealed a female Accounting Technician was issued a letter of counseling by her supervisor, but refused to sign it as she did not have Union representation present. Her supervisor allowed her to depart the meeting, in order to obtain Union representation. The subject originally claimed that she went back to her office and attempted to contact the Union President and Union Vice President; however, during the course of the investigation, the subject admitted that she did not actually attempt to contact a Union representative, as that was management's job. When her supervisor called to see if she had obtained one, the subject hung up the phone, claiming that he was speaking in an aggressive tone. The allegations of Failure to Follow Supervisor's Instructions, Unprofessional Conduct, and Lack of Candor were sustained. The subject retired, prior to the completion of the disciplinary process. (OIA-2020-00986)

Representative Case Summaries

- **Failure Misuse of Travel Charge Card**

A local investigation revealed sufficient evidence to sustain the allegation of Misuse of Travel Charge Card against a male staff member. He admitted to inadvertently making a charge of under ten dollars to his government charge card. He further admitted he was the holder of the card in question, and he was not on official travel status when the transaction was made. The subject received a one day suspension as discipline. (OIA-2020-01005)

- **Workplace Violence; Threatening/Intimidating Employees**

A local investigation revealed a female Correctional Officer threatened to come to the institution with a gun and shoot her ex-husband, a male BOP Correctional Officer, a second male BOP Correctional Officer, and a female Contractor. The subject's sister called and informed the institution that the local police department had been contacted. Another female Correctional Officer also reported receiving a phone call from the subject, who stated that she was also going to kill the female Contractor's four children and then herself. The local police department responded to the subject's residence and convinced her to surrender. A Threat Assessment was completed and the subject received a thirty-day suspension. (OIA-2020-03576)

- **Unprofessional Conduct**

A local investigation revealed a male Unit Secretary called a male Correctional Systems Officer to inquire about the travel itinerary for an inmate who was scheduled for release and allegedly asked, "Have you see your stupid cunt ass supervisor?" Another female Case Management Coordinator was in close enough range to witness the subject's comment. The subject received a five-day suspension. (OIA-2020-04050)

- **Falsification of Documents; Failure to Follow Policy; Inattention to Duty**

A local investigation revealed that a male Correctional Officer failed to conduct a count on the upper tier in the housing unit. After being given the opportunity to review video surveillance, the subject admitted to failing to count inmates on the entire upper tier for the official 3:00 a.m. count. In addition, the subject signed the 3:00 a.m. official count slip, signifying he properly conducted the 3:00 a.m. count. The subject also failed to sign Post Orders, prior to assuming his post as the #1 officer for the Morning Watch shift. The subject's employment with the Bureau of Prisons was terminated. (OIA-2020-00455)

Table 11: Types of Sustained Misconduct for BOP Employees - FY 2019
With 63.70 Percent Closed
(4,421 Total Opened)

Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Total	348	1,065	111	1,524
Abuse of Inmates	21			21
Sexual Abuse of Inmates	11			11
Introduction of Contraband	8	29		37
Discrimination	0	0		0
Fiscal Improprieties	55	55		110
Bribery	2	1		3
Inappropriate Relationships With Inmates	49			49
Investigative Violations		23		23
Personnel Prohibitions		264	8	272
Unauthorized Release of Information	7	5		12
Inattention to Duty	46	80		126
Breach of Security	11	16		27
Unprofessional Conduct	17	92		109
Failure to Follow Policy	64	132		196
Failure to Follow Supervisor's Instructions	0	263		263
Other On-Duty Misconduct	57	105		162
Other Off-Duty Misconduct			103	103

Table 12: Types of Sustained Misconduct for BOP Employees - FY 2018
With 78.80 Percent Closed
(4,670 Total Opened)

Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Total	690	1,447	168	2,305
Abuse of Inmates	43			43
Sexual Abuse of Inmates	22			22
Introduction of Contraband	24	51		75
Discrimination	0	0		0
Fiscal Improprieties	13	88		101
Bribery	10	1		11
Inappropriate Relationships With Inmates	79			79
Investigative Violations		44		44
Personnel Prohibitions		323	14	337
Unauthorized Release of Information	7	16		23
Inattention to Duty	124	147		271
Breach of Security	45	75		120
Unprofessional Conduct	37	152		189
Failure to Follow Policy	153	177		330
Failure to Follow Supervisor's Instructions	0	221		221
Other On-Duty Misconduct	133	152		285
Other Off-Duty Misconduct			154	154

Table 13: Types of Sustained Misconduct for BOP Employees - FY 2017
With 89.76 Percent Closed
(4,392 Total Opened)

Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Total	1,410	3,616	150	5,176
Abuse of Inmates	73			73
Sexual Abuse of Inmates	44			44
Introduction of Contraband	67	163		230
Discrimination	0	0		0
Fiscal Improprieties	28	383		411
Bribery	26	6		32
Inappropriate Relationships With Inmates	247			247
Investigative Violations		155		155
Personnel Prohibitions		765	30	795
Unauthorized Release of Information	27	24		51
Inattention to Duty	185	374		559
Breach of Security	119	278		397
Unprofessional Conduct	129	384		513
Failure to Follow Policy	349	530		879
Failure to Follow Supervisor's Instructions	0	365		365
Other On-Duty Misconduct	116	189		305
Other Off-Duty Misconduct			120	120

Table 14: Types of Sustained Misconduct for BOP Employees - FY 2016
With 94.68 Percent Closed
(5,128 Total Opened)

Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Total	829	2,109	222	3,160
Abuse of Inmates	40			40
Sexual Abuse of Inmates	26			26
Introduction of Contraband	40	88		128
Discrimination	0	0		0
Fiscal Improprieties	18	254		272
Bribery	20	3		23
Inappropriate Relationships With Inmates	129			129
Investigative Violations		89		89
Personnel Prohibitions		394	16	410
Unauthorized Release of Information	14	16		30
Inattention to Duty	97	229		326
Breach of Security	72	172		244
Unprofessional Conduct	71	228		299
Failure to Follow Policy	201	302		503
Failure to Follow Supervisor's Instructions	0	177		177
Other On-Duty Misconduct	101	157		258
Other Off-Duty Misconduct			206	206

Table 15: Types of Sustained Misconduct for BOP Employees - FY 2015
With 96.04 Percent Closed
(5,206 Total Opened)

Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Total	887	2,124	316	3,327
Abuse of Inmates	37			37
Sexual Abuse of Inmates	31			31
Introduction of Contraband	40	87		127
Discrimination	0	0		0
Fiscal Improprieties	18	237		255
Bribery	21	2		23
Inappropriate Relationships With Inmates	148			148
Investigative Violations		88		88
Personnel Prohibitions		483	21	504
Unauthorized Release of Information	17	11		28
Inattention to Duty	129	223		352
Breach of Security	66	187		253
Unprofessional Conduct	91	259		350
Failure to Follow Policy	181	279		460
Failure to Follow Supervisor's Instructions	0	176		176
Other On-Duty Misconduct	108	92		200
Other Off-Duty Misconduct			295	295

Table 16: Types of Sustained Misconduct for BOP Employees - FY 2014
With 98.35 Percent Closed
(5,201 Total Opened)

Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Total	962	2,033	311	3,306
Abuse of Inmates	26			26
Sexual Abuse of Inmates	36			36
Introduction of Contraband	42	65		107
Discrimination	0	0		0
Fiscal Improprieties	20	308		328
Bribery	19	2		21
Inappropriate Relationships With Inmates	152			152
Investigative Violations		88		88
Personnel Prohibitions		374	30	404
Unauthorized Release of Information	16	11		27
Inattention to Duty	146	281		427
Breach of Security	96	110		206
Unprofessional Conduct	95	282		377
Failure to Follow Policy	222	220		442
Failure to Follow Supervisor's Instructions	0	156		156
Other On-Duty Misconduct	92	136		228
Other Off-Duty Misconduct			281	281

Table 17: Types of Sustained Misconduct for BOP Employees - FY 2013
With 99.58 Percent Closed
(5,503 Total Opened)

Type of Misconduct	Number of Sustained Allegations			
	Inmate Related	Non Inmate Related	Off-Duty	TOTAL
Total	936	1,952	366	3,254
Abuse of Inmates	33			33
Sexual Abuse of Inmates	36			36
Introduction of Contraband	52	63		115
Discrimination	1	0		1
Fiscal Improprieties	18	213		231
Bribery	21	1		22
Inappropriate Relationships With Inmates	165			165
Investigative Violations		110		110
Personnel Prohibitions		394	21	415
Unauthorized Release of Information	23	17		40
Inattention to Duty	123	236		359
Breach of Security	82	159		241
Unprofessional Conduct	114	250		364
Failure to Follow Policy	186	226		412
Failure to Follow Supervisor's Instructions	0	150		150
On-Duty Misconduct	82	133		215
Off-Duty Misconduct			345	345

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

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

Fiscal Improprieties (Cont.)

- 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

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
- Conduct Unbecoming a Correctional Worker

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
Failure to Follow Leave Procedures Retaliation
Refusing to Take a Drug Test

Unauthorized Release of Information

Unauthorized Release of Information Violation
of FOIA/Privacy Acts

Other On-Duty Misconduct

Unprofessional Conduct of a Sexual Nature^{1, 2}
Inattention to Duty¹
Failure to Respond to an Emergency
Failure to Properly Supervise Inmates
Breach of Security¹
Breach of Computer Security^{1, 3}
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 Instructions¹
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
Other Off-Duty Misconduct

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

² The data for Unprofessional Conduct of a Sexual Nature (Non-Inmate Related) is combined with Unprofessional Conduct throughout this report.

³ The data for Breach of Computer Security is combined with Breach of Security throughout this report.

Monitoring Assignments

Alderson, WV		Leavenworth, KS	
Aliceville, AL		Lee, VA	
Allenwood, PA		Lewisburg, PA	
Ashland, KY		Lexington, KY	
Atlanta, GA		Lompoc, CA	
Atwater, CA		Loretto, PA	
Bastrop, TX		Los Angeles, CA	
Beaumont, TX		Manchester, KY	
Beckley, WV		Marianna, FL	
Bennettsville, SC		Marion, IL	
Berlin, NH		Mendota, CA	
Big Sandy, KY		McCreary, KY	
Big Spring, TX		McDowell, WV	
Brooklyn, NY		McKean, PA	
Bryan, TX		Memphis, TN	
Butner, NC		Miami (FDC & FCI), FL	
Canaan, PA		MXRO, MD	
Carswell, TX		Milan, MI	
Chicago, IL		Montgomery, AL	
Coleman, FL		Morgantown, WV	
Cumberland, MD		New York, NY	
Danbury, CT		NCRO, KS	
Devens, MA	(b)(6); (b)(7)(C); (b)(7)(F)	NERO, PA	(b)(6); (b)(7)(C); (b)(7)(F)
Dublin, CA		Oakdale, LA	
Duluth, MN		Oklahoma, OK	
Edgefield, SC		Otisville, NY	
El Reno, OK		Oxford, WI	
Elkton, OH		Pekin, IL	
Englewood, CO		Pensacola, FL	
Estill, SC		Petersburg, VA	
Fairton, NJ		Philadelphia, PA	
Florence, CO		Phoenix, AZ	
Forrest City, AR		Pollock, LA	
Fort Worth, TX		Ray Brook, NY	
Fort Dix, NJ		Rochester, MN	
Gilmer, WV		Safford, AZ	
Grand Prairie, TX		San Diego, CA	
Greenville, IL		Sandstone, MN	
Guaynabo, PR		Schuylkill, PA	
Hazelton, WV		Seagoville, TX	
Herlong, CA		SeaTac, WA	
Honolulu, HI		Sheridan, OR	
Houston, TX		SCRO, TX	
Jesup, GA		SERO, GA	
La Tuna, TX		Springfield, MO	

Monitoring Assignments

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

(b)(6); (b)(7)(C); (b)(7)(F)

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