

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

**Office of Internal Affairs
Report for Fiscal Year 2023**



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Executive Summary of Findings

This report from the Office of Internal Affairs (OIA) for Fiscal Year 2023 provides information concerning the types and frequency of misconduct occurring within the Bureau of Prisons (FBOP or Bureau) operations. The report is intended for managers and supervisors to address any trends and to identify the need for training to prevent misconduct from occurring.

The report examines all aspects of FBOP operations, and therefore data is examined for FBOP employees; Public Health Service (PHS) staff who work in FBOP facilities; contractors and volunteers who work in FBOP facilities; and contractors that manage Adults in Custody (AICs) 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; 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. The information provided in this report pertains only to cases opened in Fiscal Year 2023 (October 1, 2022, to September 30, 2023).

Findings from FY 2023 include the following:

- There was a 0.70 percent decrease in the total number of misconduct allegations reported in Fiscal Year 2023, as compared with Fiscal Year 2022. The rate of reported misconduct allegations specifically for FBOP employees decreased 0.07 percent from Fiscal Year 2022.
- There was a 0.62 percent decrease in the number of cases opened in Fiscal Year 2023, as compared with Fiscal Year 2022.
- Cases classified as Classification 1 offenses showed an increase of 16.23 percent; cases classified as Classification 2 offenses showed an increase of 6.88 percent; and cases classified as Classification 3 offenses showed a decrease of 9.72 percent.

Executive Summary of Findings

- The most frequently reported type of misconduct in Fiscal Year 2023 was Failure to Follow Policy. Abuse of AICs and Unprofessional Conduct placed second and third, respectively.
- The most significant increase in reported misconduct was the allegation of Sexual Abuse of AICs. Fiscal Improprieties saw the second highest increase in reporting.
- During Fiscal Year 2023, no case involved Patriot Act violations.
- The most frequently sustained categories of misconduct among FBOP employees with a sustained decision as of March 6, 2024, were Personnel Prohibitions and Failure to Follow Supervisor's Instructions.
- For those FBOP employees with a sustained decision as of March 6, 2024, the rate was highest among Correctional Services staff.
- As of March 6, 2024, the most frequently sustained category of misconduct for Residential Reentry Center employees was Inappropriate Relationships with AICs, followed by Failure to Follow Policy.
- During Fiscal Year 2023, 223 allegations of Introduction of Contraband were reported. As of March 6, 2024, 21 of these allegations were sustained. There were 21 individuals involved in the sustained allegations of Introduction of Contraband.
- During Fiscal Year 2023, 955 allegations of Sexual Abuse were either reported to the OIA or detected during the course of an investigation. As of March 6, 2024, eleven 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 AIC 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, 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.

Upon review, if the OIA determines an incoming correspondence does not contain any discernable allegation(s) of staff misconduct, the matter is forwarded directly to the CEO for appropriate handling.

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

During Fiscal Year 2023, the OIA opened 192 matters as a Complaint for Information. (This value does not include additional information received by the OIA concerning Complaints for Information which were previously opened).

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 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 2023, the OIA opened 2,271 matters as Complaints for Disposition. (This value does not include additional information received by the OIA concerning Complaints for Disposition which were previously opened).

Review of Local Staff Misconduct Investigations

The investigator 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** staff misconduct investigations in which FBOP 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 Outlook 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.).

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). Photo and graphic images should be forwarded in .pdf, .jpg, or .gif format and must be in color.

Do not send an e-mail that exceeds 50.0 MB in size (including attachments).

Affidavit files should include the "Warning and Assurance to Employee Required to Provide Information" (BP-A194.012/Form B), if applicable, as well as the Affidavit and 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, AIC SENTRY information, etc.).

Review of Local Staff Misconduct Investigations

Time Guidelines

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. 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 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 been authorized. Special Investigative Agents (SIAs) should continue to work with the OIA monitoring agent assigned to their facility on an ongoing and recurring basis. SIAs 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 FBOP 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 2023, the OIA opened 4,918 cases involving 6,485 FBOP employees, 18 contract employees working in FBOP facilities, 35 Public Health Service (PHS) employees working in FBOP facilities, 227 contract/residential reentry center employees, and eight other individuals.

These 4,918 cases represent a 0.72 percent decrease from the 4,954 cases opened during Fiscal Year 2022 (October 1, 2021 to September 30, 2022). The rate of reported misconduct among FBOP employees increased 1.83 percent from Fiscal Year 2022.

The 4,918 cases opened during Fiscal Year 2023 were classified as follows:

Classification 1	1,110
Classification 2	1,273
Classification 3	2,535

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. This report contains information solely related to matters opened in Fiscal Year 2023 (October 1, 2022, to September 30, 2023),

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 "AIC Related" included some type of AIC involvement, while allegations referred to as "Non AIC Related" occurred in the workplace but did not include AIC 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 16.23 percent, cases classified as Classification 2 offenses showed an increase of 6.88 percent, and cases classified as Classification 3 offenses showed a decrease of 9.72 percent.

Table 1: Types of Reported Misconduct - Fiscal Year 2023					
Types of Misconduct	Number of Reported Allegations				
	AIC Related	Non AIC Related	Off-Duty	TOTAL	% Change from 2022
Total	5,575	5,399	476	10,979	+ 0.73
Abuse of AICs	1,258			1,258	- 3.45
Sexual Abuse of AICs	955			955	+ 108.06
Introduction of Contraband	223	83		306	- 17.52
Discrimination	6	14		20	+ 53.84
Fiscal Improprieties	109	240		349	+ 24.19
Bribery	73	2		75	+ 38.88
Inappropriate Relationships With AICs	425			425	-15.33
Investigative Violations		100		100	-15.96
Personnel Prohibitions		1,206	25	1,231	-20.73
Unauthorized Release of Information	33	20		53	- 39.08
Inattention to Duty	342	346		668	- 13.35
Breach of Security	84	64		148	- 1.98
Unprofessional Conduct	720	488		1,208	- 0.66
Failure to Follow Policy	665	599		1,264	- 4.67
Failure to Follow Supervisor's Instructions		843		843	- 12.09
Other On-Duty Misconduct	682	1394		2076	+69.60
Other Off-Duty Misconduct			451	451	- 14.25

Table 1 provides a breakdown of those categories of misconduct reported during Fiscal Year 2022.

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 FBOP staff toward/around certain AICs, 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 2023, there were no cases involving potential Patriot Act violations.

Closed/Sustained Misconduct

NOTES

All figures in this section relate to cases, which were opened during Fiscal Year 2023 (October 1, 2022, to September 30, 2023) and were closed as of March 6, 2024. The Fiscal Year 2022 report also included a figure of cases opened close to when the report was finalized. This report adjusts that change to reflect figures for actual Fiscal Year 2022 and 2023 dates. Figures are subject to change as additional cases are closed, and only relate to cases which were sustained and not sustained.

4,919 cases were opened during Fiscal Year 2023. As of March 6, 2024, 1,560 (31.71 percent) were closed. The remaining 3,359 cases (68.32 percent) were still open pending investigation.

Of the 1,560 cases closed: 1,456 (93.33 percent) were investigated at the institution level (“local investigation”) with authorization and monitoring provided by the OIA; 77 (4.93 percent) were OIA on-site investigations; and 25 (1.60 percent) were investigated by the OIG.

Of the 1,456 cases closed, 276 (18.95 percent) were sustained. Misconduct was sustained against 219 FBOP employees, four contractors working in a FBOP facility, two PHS employees working in a FBOP facility, and 51 contract/residential reentry center employees.

FBOP Employees

Out of 42,048 active-duty FBOP employees, there were 6,466 FBOP employees identified as subjects of alleged misconduct in cases opened during Fiscal Year 2023. As of March 6, 2024, the cases had been closed for 19.9 percent of those employees. Of the 19.9 percent (or 1,289 employees), 3.3 percent (219 employees) had a sustained decision (0.52 percent of total FBOP employees).

Table 2 (on the following page) reflects the categories of misconduct sustained against FBOP employees in cases closed as of March 6, 2024. The most frequently sustained categories of Personnel Prohibitions and Failure to Follow Supervisor’s Instructions. Please note, the number of sustained allegations will vary, as some FBOP employees were involved with multiple allegations.

Closed/Sustained Misconduct

Table 2: Types of Sustained Misconduct for FBOP Employees FY 2023 With 19.9 Percent Closed				
Type of Misconduct	Number of Sustained Allegations			
	AIC Related	Non AIC Related	Off-Duty	TOTAL
Total	68	376	26	470
Abuse of AICs	4			4
Sexual Abuse of AICs	11			11
Introduction of Contraband	4	11		15
Discrimination	0	0		0
Fiscal Improprieties	1	11		12
Bribery	0	0		0
Inappropriate Relationships With AICs	10			10
Investigative Violations		10		10
Personnel Prohibitions		65	1	66
Unauthorized Release of Information	0	1		1
Inattention to Duty	4	18		22
Breach of Security	1	12		13
Unprofessional Conduct	6	15		21
Failure to Follow Policy	6	31		37
Failure to Follow Supervisor's Instructions		57		57
Other On-Duty Misconduct	21	145		166
Other Off-Duty Misconduct			25	25

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 FBOP's table of penalties (Program Statement 3420.11, Standards of Employee Conduct);
- The notoriety of the offense or its impact on the FBOP'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 6, 2024, the following actions were taken for those FBOP employees with a sustained finding in Fiscal Year 2023 (including findings on allegations that were made in prior fiscal years):

Written Reprimand	57
Resignation	44
Suspension	63
No Action.....	8
Retirement.....	15
Termination.....	21
Demotion	1
Reassignment	3
Other	7

The specific type of misconduct most frequently sustained against those individuals for whom no disciplinary action was taken was Failure to Follow Supervisor's Instructions.

Closed/Sustained Misconduct

Gender

Tables 3 and 4 (on the following pages) reflect the categories of sustained allegations for male and female FBOP employees as of March 6, 2024. The most frequently sustained category of misconduct among male FBOP employees was Other On-Duty Misconduct, followed by Personnel Prohibitions. The most frequently sustained category of misconduct for female FBOP employees was Other On-Duty Misconduct, followed by Failure to Follow Supervisor's Instructions, Failure to Follow Policy, and Personnel Prohibitions.

Closed/Sustained Misconduct

Table 3: Types of Sustained Misconduct for Male FBOP Employees FY 2023 With 19.9 Percent Closed				
Type of Misconduct	Number of Sustained Allegations			
	AIC Related	Non AIC Related	Off-Duty	TOTAL
Abuse of AICs	4			4
Sexual Abuse of AICs	9			9
Introduction of Contraband	1	6		7
Discrimination	0	0		0
Fiscal Improprieties	0	10		10
Bribery	0	0		0
Inappropriate Relationships With AICs	0			0
Investigative Violations		7		7
Personnel Prohibitions		50	1	51
Unauthorized Release of Information	0	1		1
Inattention to Duty	2	12		14
Breach of Security	0	2		2
Unprofessional Conduct	3	11		14
Failure to Follow Policy	3	16		19
Failure to Follow Supervisor's Instructions		40		40
Other On-Duty Misconduct	11	99		110
Other Off-Duty Misconduct			22	22

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

Closed/Sustained Misconduct

Table 4: Types of Sustained Misconduct for Female FBOP Employees FY 2023 With 19.9 Percent Closed				
Type of Misconduct	Number of Sustained Allegations			
	AIC Related	Non AIC Related	Off-Duty	TOTAL
Abuse of AICs	0			0
Sexual Abuse of AICs	2			2
Introduction of Contraband	3	4		7
Discrimination	0	0		0
Fiscal Improprieties	1	1		2
Bribery	0	0		0
Inappropriate Relationships With AICs	10			10
Investigative Violations		3		3
Personnel Prohibitions		15	0	15
Unauthorized Release of Information	0	0		0
Inattention to Duty	2	5		7
Breach of Security	1	2		3
Unprofessional Conduct	2	4		6
Failure to Follow Policy	3	12		15
Failure to Follow Supervisor's Instructions		15		15
Other On-Duty Misconduct	0	39		39
Other Off-Duty Misconduct			3	3

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

Closed/Sustained Misconduct

Job Discipline

As of March 6, 2024, 119 FBOP employees identified as misconduct subjects during Fiscal Year 2023 had a sustained decision.

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

Table 5: Discipline of FBOP Employees With Sustained Misconduct FY 2023 With 19.9 Percent Closed			
Discipline	Total Employees	Number of Employees With Sustained Misconduct	Rate Per 100 Total Employees
Human Resources	918	5	0.54
Mechanical Services	2,384	3	0.12
Psychology Services	1,231	4	0.32
Recreation	787	3	0.38
CEOs Office and Staff	870	12	1.37
Food Service	1,625	5	0.30
Computer Services	360	1	0.27
Correctional Services	15,002	143	0.95
Health Services/Safety	3,200	31	0.96
Unit Management	2,691	6	0.22
Religious Services	322	1	.31
Records/Inmate Systems	1,068	3	0.28
Education & Vocational Training	1,030	3	0.29
Financial Management	1,425	3	0.21
Central Office/Staff Training Centers	1,434	1	0.06
UNICOR	741	0	0
Inmate Services	469	1	0.21
Other*	35	0	0

* "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 229 contract/residential reentry center employees identified as misconduct subjects in Fiscal Year 2023. As of March 6, 2024, OIA closed cases for 86.03 percent of those 229 contractors. Of the 86.03 percent (or 197 contractors), 22.27 percent (or 51 contractors) had a sustained decision.

There were no drug treatment contractors identified as misconduct subjects during Fiscal Year 2023.

Table 6: Sustained Misconduct – Residential Reentry Center Employees / Drug Treatment Contractors FY 2023 With 86.03 Percent Closed			
Allegation	AIC Related	Non AIC Related	Off-Duty
Inappropriate Relationship with AICs	17		
Investigative Violations		4	
Unauthorized Release of Information	0	0	
Inattention to Duty	7	1	
Failure to Follow Policy	12	5	
Unprofessional Conduct	2	1	
Personnel Prohibitions		10	
Breach of Security	0	0	
Falsification of Documents	2	1	
Abuse of AICs	0	0	
Bribery	1	0	

Closed/Sustained Misconduct

Contractors in Privatized Facilities

There were 0 contractors working in privatized facilities identified as misconduct subjects during Fiscal Year 2023. Consistent with the President’s January 26, 2021, Executive Order on “Reforming Our Incarceration System to Eliminate the Use of Privately Operated Criminal Detention Facilities,” the Bureau of Prison (FBOP) has ended all contracts with privately managed prisons, McRae, Georgia, ended on November 30, 2022.

Table 7: Types of Sustained Misconduct for Staff in Privatized Facilities FY 2023 With 100.0 Percent Closed				
Type of Misconduct	Number of Sustained Allegations			
	AIC Related	Non AIC Related	Off-Duty	TOTAL
Abuse of AICs	0			0
Sexual Abuse of AICs	0			0
Introduction of Contraband	0	0		0
Discrimination	0	0		0
Fiscal Improprieties	0	0		0
Bribery	0	0		0
Inappropriate Relationships With AICs	0			0
Investigative Violations		0		0
Personnel Prohibitions		0	0	0
Unauthorized Release of Information	0	0		0
Inattention to Duty	0	0		0
Breach of Security	0	0		0
Unprofessional Conduct	0	0		0
Failure to Follow Policy	0	0		0
Failure to Follow Supervisor’s Instructions			0	0
Other On-Duty Misconduct	0	0		0
Other Off-Duty Misconduct			0	0

Closed/Sustained Misconduct

Contractors and Volunteers Working in FBOP Facilities

There were 19 contractors working in FBOP facilities identified as misconduct subjects during Fiscal Year 2023.

As of March 6, 2024, OIA closed cases for 8 contractors. Four contract employees had a sustained decision.

Table 8: Sustained Misconduct - Contract Employees/Volunteers FY 2023			
Allegation	AIC Related	Non AIC Related	Off-Duty
Sexual Abuse of AICs	0	0	
Introduction of Contraband	0	0	
Inappropriate Relationship with AICs	1		
Investigation Violation	0	1	
Fiscal Improprieties	0	1	
Bribery	0	0	
Failure to Follow Policy	0	0	
Other On-Duty Misconduct	3	0	
Other Off-Duty Misconduct			1

Closed/Sustained Misconduct

PHS Employees Working in FBOP Facilities

Of the approximately 503 PHS employees working in FBOP facilities, 35 were identified as misconduct subjects during Fiscal Year 2023. As of March 6, 2024, OIA closed 31.4 percent of cases involving those 35 PHS employees. Of the 31.4 percent (or 11 PHS employees), two had a sustained decision.

Table 9: Sustained Misconduct – PHS Employees FY 2023 With 31.4 Percent Closed			
Allegation	AIC Related	Non AIC Related	Off-Duty
Introduction of Contraband	0	1	
Personnel Prohibitions	0	1	
Unprofessional Conduct	0	2	
Failure to Follow Supervisor's Instructions	0	2	
Failure to Follow Policy	0	1	

Physical Abuse of AICs

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 AICs

Statistics

During Fiscal Year 2023, 600 allegations of Physical Abuse of AICs were either reported to the OIA, or detected during the course of an investigation. As of March 6, 2024, OIA closed cases for 34.66 percent (or 208) of those allegations.

Allegations of Physical Abuse are tracked by the degree of injury sustained by the AIC(s)--life threatening injury, serious injury, minor/slight injury, minor/no injury (harassment), and superficial injury (injuries associated with the normal use of restraints).

Zero allegations of Physical Abuse reported during Fiscal Year 2023 were sustained as of March 6, 2024.

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 2023, 306 allegations of Introduction of Contraband were either reported or detected during the course of an investigation. As of March 6, 2024, OIA closed cases for 28.43 percent (or 87) of those allegations. Of closed cases, 19.54 percent (or 17) were sustained:

Table 10: Introduction of Contraband		
Type of Contraband	AIC Related	Non AIC Related
Soft Item	3	0
Weapons	0	7
Unauthorized Electronic Device	0	6
Cigarettes/Tobacco	2	
Heroin and Derivatives	0	0
Alcoholic Beverages	0	0
Other Unspecified Drugs	0	0

There were 17 individuals involved in the sustained allegations of Introduction of Contraband. Fifteen of these individuals were FBOP employees (8 male and 7 female), the majority worked in Correctional Services. One individual was a halfway house employee, and one was a PHS employee.

Sexual Abuse of AICs

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 AICs

(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 AICs

(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 AICs

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 FBOP'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 AICs

Statistics

During Fiscal Year 2023, 955 allegations of Sexual Abuse were either reported to the OIA or detected during the course of an investigation. Of the 955 allegations, 907 involved FBOP employees, 5 involved a PHS employee working in a FBOP facility, 38 involved contract staff working in residential reentry facilities, and 5 involved contract staff working in a FBOP facility.

The allegations that appeared with the most frequency were Unprofessional Conduct of a Sexual Nature between male staff and male AICs, with 216 allegations reported, and Abusive Sexual Conduct of a Sexual Nature between male staff and male AICs, with 196 allegations reported.

As of March 6, 2024, twelve allegations of Sexual Abuse reported during Fiscal Year 2023 were sustained. These allegations involved eleven FBOP employees and one contract staff working in residential reentry facilities; 298 allegations were not sustained; 645 allegations were pending.

Representative Case Summaries

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

- **Unprofessional Conduct with an AIC; Inattention to Duty; Failure to Follow Policy; Preferential Treatment of AICs**

A local investigation revealed a male probationary correctional officer engaged in a game of checkers with an AIC not assigned to the subject's housing unit. The subject claimed the AIC had brought the game to him and the subject was showing the AIC how to play. There was sufficient evidence to sustain the allegation of Improper Contact with an AIC/AIC's Family, Inattention to Duty, Failure to Follow Policy and Preferential Treatment of AICs against the subject. The subject resigned prior to discipline. (OIA Case No. 2023-00019)

- **Weapon Introduction**

A local investigation revealed a male drug treatment specialist placed his backpack inside the X-Ray machine at the screening site. The X-Ray of the backpack revealed it contained a pistol. The subject admitted to placing the pistol inside of the backpack and forgetting about it. There was sufficient evidence to sustain the allegations of Weapon Introduction against the subject. The subject received a 21-day suspension. (OIA Case No. 2023-00039)

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

The local investigation revealed a male cook foreman tested positive for Marijuana during a random urinalysis test. There was sufficient evidence to sustain the allegation of Use/Abuse of Illegal Drugs/Alcohol against the subject. The subject resigned prior to receiving discipline. (OIA Case No. 2023-00048)

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

The local investigation revealed that a male correctional officer logged into a non-DOJ interactive application. The subject admitted to accessing a non-DOJ interactive website for an unknown length of time. There was sufficient evidence to sustain the allegation of Breach of Computer Security, Failure to Follow Policy and Inattention to Duty against the subject. The subject received a 2-day suspension. (OIA Case No. 2023-00050)

- **Absent Without Leave (AWOL); Failure to Follow Leave Procedures**

The local investigation revealed that a male correctional officer was Absent Without Leave (AWOL) due to insufficient sick leave balance and failed to request leave prior to being absent. There was sufficient evidence to sustain the allegation of Absent Without Leave (AWOL) and Failure to Follow Leave Procedures against the subject. The subject received a one-day suspension. (OIA Case No. 2023-00094)

Representative Case Summaries

- **Failure to Follow Policy**

A local investigation revealed a male lieutenant ordered a correctional officer assigned as the Internal Security Officer to retrieve the contingency plans from the control center and bring them to the lieutenant's office located within the secure perimeter of the institution. There was sufficient evidence to sustain the allegations of Failure to Follow Policy against the subject. The subject received a written reprimand. (OIA Case No. 2023-00098)

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

A local investigation revealed a male correctional officer admitted to plugging his Apple iPhone into a workstation. There was sufficient evidence to sustain the allegations of Failure to Follow Policy and Breach of Computer Security against the subject. The subject received a letter of reprimand. (OIA Case No. 2023-00104)

- **Inattention to Duty**

A local investigation revealed a female classification computation technician failed to update an AIC's computation for the disallowance of good conduct time and forfeiture of non-vested good conduct time after the AIC was apprehended for an escape. This resulted in an AIC being released early. There was sufficient evidence to sustain the allegation of Inattention to Duty against the subject. The subject received a written reprimand. (OIA Case No. 2023-00125)

- **Falsification of Documents; Failure to Follow Policy; Inattention to Duty; Time and Attendance Irregularities**

The local investigation revealed a male correctional counselor documented making rounds on the Special Housing Unit (SHU) rounds sheet on five separate occasions, which did not correspond with CCTV footage. There is no corresponding CCTV footage of the subject entering the SHU or conducting rounds on these dates. One of the dates the subject claimed to have conducted rounds in SHU, his time and attendance reflected being on annual leave. There was sufficient evidence to sustain the allegations of Falsification of Documents, Failure to Follow Policy, Inattention to Duty, and Time and Attendance Irregularities against the subject. The subject received a demotion to correctional officer. (OIA Case No. 2023-00163)

- **Unprofessional Conduct**

The local investigation revealed a male correctional officer, while conducting rounds in the housing unit, noticed a covered cell door window. The subject did not knock on the door or tell the AIC inside to uncover their window. The subject admitted to opening the cell door, seeing an AIC sitting on the toilet, and leaving the cell door open. There was sufficient evidence to sustain the allegation of Unprofessional Conduct against the subject. The subject received a letter of reprimand. (OIA Case No. 2023-00176)

Representative Case Summaries

- **Arrest and Conviction; Off-Duty Misconduct**

The local investigation revealed a male correctional officer, while off-duty was involved in an altercation. When police arrived, the subject did not follow their commands, lawful orders, and denied being part of the altercation. Police watched video footage of the altercation and determined the subject was involved. The subject was taken into custody and charged with Obstructing Official Business. There was sufficient evidence to sustain the allegation of Arrest and Conviction and Off-Duty Misconduct against the subject. The subject received a 10-day suspension. (OIA Case No. 2023-00203)

- **Unprofessional Conduct**

A local investigation revealed a male lieutenant walked into the common area of an AIC housing unit in the early morning hours and dumped trash on the floor. The subject then walked to the other end of the housing unit, removed a trash bag from the trash can, and proceeded to dump the contents of the bag on the floor of the housing unit. There was sufficient evidence to sustain the allegation of Unprofessional Conduct against the subject. The subject received a five-day suspension. (OIA Case No. 2023-00257)

- **Inattention to Duty**

A local investigation revealed a male lieutenant was observed in the Lieutenant's Office and appeared to be sleeping. More specially, the subject was observed with his eyes closed and head in a downward position. There was sufficient evidence to sustain the allegation of Inattention to Duty against the subject. The subject received a three-day suspension. (OIA Case No. 2023-00269)

- **Off-Duty Misconduct**

A local investigation revealed a female medical records admin specialist while off-duty went into a store and took items without paying for them on multiple occasions. A warrant was issued for the subject's arrest. The subject admitted to taking the items from the store without paying for them. There was sufficient evidence to sustain the allegation of Off-Duty Misconduct against the subject. The subject received a five-day suspension. (OIA Case No. 2023-00637)

- **Falsification of Employment Records**

A local investigation revealed a female human resource specialist applied for a job announcement. During the subject's interview for the position, it was revealed the subject's resume and work experience were inconsistent. The subject admitted to using someone else's experiences in her resume. There was sufficient evidence to sustain the allegation of Falsification of Employment Records against the subject. The subject received a fourteen-day suspension. (OIA Case No. 2023-00717)

Representative Case Summaries

- **Contract Fraud; Arrest and Conviction**

A local investigation revealed a male contractor was submitting multiple bids using different company names for various food service contracts. There was sufficient evidence to sustain the allegation of Contract Fraud and Arrest and Conviction against the subject. The subject was removed from the FBOP, sentenced to two years of probation, with the first year to be served as home confinement, and ordered to pay a \$5,500 fine. (OIA Case No. 2023-00824)

- **DWI/DUI; Theft/Misuse of Government Property; Use/Abuse of Illegal Drugs/Alcohol**

A local investigation revealed a male automotive worker supervisor was arrested for driving under the influence (DUI) in a government vehicle (Bus). The government vehicle was impounded. The subject did not notify the CEO of the incident. There was sufficient evidence to sustain the allegation of DWI/DUI, Theft/Misuse of Government Property and Use/Abuse of Illegal Drugs/Alcohol against the subject. The subject resigned prior to discipline being imposed. (OIA Case No. 2023-00898)

- **Falsification of Employment Records**

A local investigation revealed a male cook supervisor applied for a job announcement. Irregularities were identified concerning the subjects work experience. The subject admitted to creating, submitting application, and using misstatement and exaggerations of companies, positions and/or duties held within his resume. There was sufficient evidence to sustain the allegation of Falsification of Employment Records against the subject. The subject resigned prior to receiving discipline. (OIA Case No. 2023-01201)

- **Unprofessional Conduct**

A local investigation revealed a male and female registered nurse had a disagreement over who should retrieve the keys for their area. Both subjects used abusive language towards each other. There was sufficient evidence to sustain the allegation of Unprofessional Conduct against both subjects. Both subjects received a letter of reprimand. (OIA Case No. 2023-01264)

- **Misuse of Government Computers; Inattention to Duty; Failure to Follow Policy**

A local investigation revealed a male correctional officer working in the Special Housing Unit was observed streaming a video on a government computer. The subject admitted to viewing the website while utilizing a government computer. There was sufficient evidence to sustain the allegation of Misuse of Government Computers, Inattention to Duty, and Failure to Follow Policy against the subject. The subject received a three-day suspension. (OIA Case No. 2023-01824)

Representative Case Summaries

- **Unauthorized Electronic Device Introduction**

A local investigation revealed a female registered nurse was observed in the Health Services department with a smart watch texting, making, and receiving phones calls. The subjects admitted to bringing her smart watch within the secure area of the institution, sending text, receiving text, and receiving phones calls while on duty. There was sufficient evidence to sustain the allegation of Unauthorized Electronic Device Introduction against the subject. The subject separated from the FBOP, prior to disciplinary action. (OIA Case No. 2023-01874)

- **Appearance of an Inappropriate Relationship; Offering/Giving Anything of Value**

A local investigation revealed a female resident monitor allowed a male AIC to enter the kitchen area of the facility on more than one occasion hours prior to him being allowed in the area. The subject admitted the AIC would wait for her enter the facility on more than one occasion and would be the only AIC with her in the area. Additionally, the subject admitted to giving items from the kitchen to AIC workers on numerous occasions. There was sufficient evidence to sustain the allegation of Appearance of an Inappropriate Relationship and Offering/Giving Anything of Value against the subject. The subject's authorization to work with federal AICs was discontinued. (OIA Case No. 2023-02236)

- **Misuse of Travel Card**

A local investigation revealed a male SIS support technician self-reported misusing his government travel card while attending training. The subject used his government travel card on five separate occasions. There was sufficient evidence to sustain the allegation of Misuse of Travel Card against the subject. The subject received a letter of reprimand. (OIA Case No. 2023-02312)

- **Time and Attendance Irregularities; Failure to Follow Leave Procedures**

A local investigation revealed a male public health service employee requested annual/sick leave through his supervisor via text message. PHS employees utilize an eCORPS program to track their work hours. An audit of the subject's time and attendance was conducted which revealed annual/sick requested in the last seven months was not added into the subjects eCORPS program. The subject admitted to requesting annual/sick leave to his supervisor via text, and his responsibility to log his leave into the eCORPS system. There was sufficient evidence to sustain the allegations of Time and Attendance Irregularities and Failure to Follow Leave procedures against the subject. The subject was removed by PHS prior to discipline. (OIA Case No. 2023-02344)

- **Off-Duty Misconduct**

A local investigation revealed a male contract specialist while off-duty, went to his then girlfriend's house and removed two purses from the home. The subject admitted to taking the two purses and returned them after learning police had been contacted. There was sufficient evidence to sustain the allegation of Off-Duty Misconduct against the subject. The subject received a letter of reprimand. (OIA Case No. 2023-02395)

Representative Case Summaries

- **Off-Duty Misconduct; Other Citation (Hunting, etc.)**

A local investigation revealed a male correctional officer while off-duty went into a store, place items into his jacket pocket without paying for them, walked out of the store, and was stopped by loss prevention. The subject admitted to placing the items in his pockets and not paying for them prior to leaving the store. The value of the items was greater than \$250, but less than \$300. There was sufficient evidence to sustain the allegation of Off-Duty Misconduct and Other Citation (Hunting, etc.) against the subject. The subject received a three-day suspension. (OIA Case No. 2023-02588)

- **Appearance of an Inappropriate Relationship; Failure to Follow Leave Procedures**

A local investigation revealed a female psychologist was observed spending excessive amounts of time with an AIC on multiple occasions. On one occasion, the subject went to the AIC's housing unit after her work hours and appeared to be engaged in more of a personal conversation with laughter. The subject admitted to being involved in an inappropriate relationship when she allowed the AIC to embrace and kiss her. Additionally, the subject admitted to maintaining contact with the AIC while he transferred to a halfway house. Further, the subject admitted she did not follow the proper leave procedures when requesting days off. There was sufficient evidence to sustain the allegation of Appearance of an Inappropriate Relationship and Failure to Follow leave Procedures against the subject. The subject separated from the FBOP, prior to disciplinary action. (OIA Case No. 2023-02647)

- **Inattention to Duty**

A local investigation revealed a male correctional officer assigned to the phone room was observed with his head down on the table and appeared to be sleeping. The subject was asked, "Are you ok" by his supervisor. The subject did not respond. The subject's supervisor tapped him on his shoulder, waking him. There was sufficient evidence to sustain the allegation of Inattention to Duty against the subject. The subject retired prior to discipline. (OIA Case No. 2023-02787)

- **Inappropriate Supervisor/Subordinate Relationship**

A local investigation revealed a female associate warden offered to loan a case management coordinator under her supervision a \$3,000.00 loan to pay a debt. The subject admitted to offering the loan. No money was ever exchanged. There was sufficient evidence to sustain the allegation of Inappropriate Supervisor/Subordinate Relationship against the subject. The subject received a ten-day suspension. (OIA Case No. 2023-03023)

- **Abuse of Illegal Drugs/Alcohol**

A local investigation revealed a male correctional officer tested positive for cocaine during a random drug test. The subject admitted to abusing the illegal narcotic of cocaine. There was sufficient evidence to sustain the allegations of Use/Abuse of Illegal

Representative Case Summaries

Drugs/Alcohol against the subject. The subject resigned prior to receiving any discipline. (OIA Case No. 2023-03180)

- **Misuse of Travel Charge Card**

A local investigation revealed a male lieutenant self-reported misuse of his government travel card taking over 60 cash advances for unauthorized personal use totaling over \$10,000.00. There was sufficient evidence to sustain the allegation of Misuse of Travel Charge Card against the subject. The subject separated from the FBOP, prior to disciplinary action. (OIA Case No. 2023-03224)

- **Failure to Follow Policy; Failure to Follow Supervisor Instructions**

A local investigation revealed a female nurse was observed on three separate occasions not wearing her vest while inside the institution. When the subject's supervisor told the subject to put on her vest and reminded the importance of wearing a vest, the subject failed to put her vest on. The subject admitted on three separate occasions she was observed not wearing her vest. The subject admitted not immediately putting on her vest when told to do so. There was sufficient evidence to sustain the allegation of Failure to Follow Policy and Failure to Follow Supervisor Instructions against the subject. The subject received eight-day suspension. (OIA Case No. 2023-03512)

- **Inattention to Duty; Failure to Follow Policy**

A local investigation revealed a female correctional departed the institution with an AIC for a medical trip. The subject then contacted her supervisor to notify him she would be returning to the institution to retrieve her weapon and ammunition. The weapon and ammunition had been secured in the perimeter vehicle. There was sufficient evidence to sustain the allegations of Inattention to Duty and Failure to Follow Policy against the subject. The subject received a seven-day suspension. (OIA Case No. 2023-05463)

- **Unprofessional Conduct of a Sexual Nature**

A local investigation revealed a male vocational instructor while at a training event, made several statements that were sexual in nature towards staff and outside vendors. The subject admitted to using a tape measure to reference the size of his penis. Also, the subject admitted while holding a blue stress ball to making a statement about "blue ball." There was sufficient evidence to sustain the allegations of Unprofessional Conduct of a Sexual Nature. The subject received a twenty-one-day suspension. (OIA Case No. 2023-06840)

- **DWI/DUI; Absent Without Leave (AWOL)**

A local investigation revealed a male correctional officer was arrested and detained for DWI by the Sheriff's Office. Due to the subject's arrest, he was unable to work his scheduled post later in the day. There was sufficient evidence to sustain the allegation of DWI/DUI and Absent Without Leave (AWOL) against the subject. The subject received a two-day suspension. (OIA Case No. 2023-02704)

Table 11: Types of Sustained Misconduct for FBOP Employees FY 2022
With 60.30 Percent Closed
(4,950 Total Opened)

Type of Misconduct	Number of Sustained Allegations			
	AIC Related	Non AIC Related	Off-Duty	TOTAL
Total	269	1,021	102	1,392
Abuse of AICs	24			24
Sexual Abuse of AICs	12			12
Introduction of Contraband	16	34		50
Discrimination	0	1		1
Fiscal Improprieties	0	16		16
Bribery	7	1		8
Inappropriate Relationships With AICs	53			53
Investigative Violations		46		46
Personnel Prohibitions		275	2	277
Unauthorized Release of Information	2	5		7
Inattention to Duty	30	100		130
Breach of Security	11	16		27
Unprofessional Conduct	18	69		87
Failure to Follow Policy	82	133		215
Failure to Follow Supervisor's Instructions		236		236
Other On-Duty Misconduct	14	89		103
Other Off-Duty Misconduct			100	100

Table 11: Types of Sustained Misconduct for FBOP Employees FY 2021
With 74.29 Percent Closed
(5,206 Total Opened)

Type of Misconduct	Number of Sustained Allegations			
	AIC Related	Non AIC Related	Off-Duty	TOTAL
Total	492	1,606	144	2,242
Abuse of AICs	31			31
Sexual Abuse of AICs	10			10
Introduction of Contraband	13	34		47
Discrimination	0	0		0
Fiscal Improprieties	8	64		72
Bribery	5	0		5
Inappropriate Relationships With AICs	59			59
Investigative Violations		47		47
Personnel Prohibitions		432	10	442
Unauthorized Release of Information	7	9		16
Inattention to Duty	100	132		232
Breach of Security	11	40		51
Unprofessional Conduct	38	124		162
Failure to Follow Policy	120	208		328
Failure to Follow Supervisor's Instructions		384		384
Other On-Duty Misconduct	90	132		222
Other Off-Duty Misconduct			134	134

Table 11: Types of Sustained Misconduct for FBOP Employees FY 2020
With 83.71 Percent Closed
(5,262 Total Opened)

Type of Misconduct	Number of Sustained Allegations			
	AIC Related	Non AIC Related	Off-Duty	TOTAL
Total	806	1,683	156	2,645
Abuse of AICs	21			21
Sexual Abuse of AICs	15			15
Introduction of Contraband	34	52		86
Discrimination	1	1		2
Fiscal Improprieties	6	85		91
Bribery	6	0		6
Inappropriate Relationships With AICs	101			101
Investigative Violations		50		50
Personnel Prohibitions		400	9	409
Unauthorized Release of Information	10	9		19
Inattention to Duty	162	138		300
Breach of Security	48	38		86
Unprofessional Conduct	43	139		182
Failure to Follow Policy	213	228		441
Failure to Follow Supervisor's Instructions		381		381
Other On-Duty Misconduct	146	162		308
Other Off-Duty Misconduct			147	147

Table 12: Types of Sustained Misconduct for FBOP Employees FY 2019
With 90.65 Percent Closed
(4,410 Total Opened)

Type of Misconduct	Number of Sustained Allegations			
	AIC Related	Non AIC Related	Off-Duty	TOTAL
Total	641	1,725	209	2,575
Abuse of AICs	45			45
Sexual Abuse of AICs	23			23
Introduction of Contraband	39	46		85
Discrimination	0	0		0
Fiscal Improprieties	9	88		97
Bribery	10	2		12
Inappropriate Relationships With AICs	105			105
Investigative Violations		50		50
Personnel Prohibitions		397	10	407
Unauthorized Release of Information	11	7		18
Inattention to Duty	98	134		232
Breach of Security	25	31		56
Unprofessional Conduct	30	170		200
Failure to Follow Policy	142	217		359
Failure to Follow Supervisor's Instructions		400		400
Other On-Duty Misconduct	104	183		287
Other Off-Duty Misconduct			199	199

Table 13: Types of Sustained Misconduct for FBOP Employees FY 2018
With 94.99 Percent Closed
(4,678 Total Opened)

Type of Misconduct	Number of Sustained Allegations			
	AIC Related	Non AIC Related	Off-Duty	TOTAL
Total	888	1,821	254	2,963
Abuse of AICs	49			49
Sexual Abuse of AICs	32			32
Introduction of Contraband	52	63		115
Discrimination	0	0		0
Fiscal Improprieties	15	106		121
Bribery	18	1		19
Inappropriate Relationships With AICs	136			136
Investigative Violations		61		61
Personnel Prohibitions		408	17	425
Unauthorized Release of Information	11	15		26
Inattention to Duty	150	196		346
Breach of Security	58	54		112
Unprofessional Conduct	48	205		253
Failure to Follow Policy	193	255		448
Failure to Follow Supervisor's Instructions		291		291
Other On-Duty Misconduct	126	166		292
Other Off-Duty Misconduct			237	237

Table 14: Types of Sustained Misconduct for FBOP Employees FY 2017
With 97.42 Percent Closed
(4,388 Total Opened)

Type of Misconduct	Number of Sustained Allegations			
	AIC Related	Non AIC Related	Off-Duty	TOTAL
Total	1,082	2,066	220	3,368
Abuse of AICs	58			58
Sexual Abuse of AICs	18			18
Introduction of Contraband	48	81		129
Discrimination	0	0		0
Fiscal Improprieties	15	163		178
Bribery	14	0		14
Inappropriate Relationships With AICs	162			162
Investigative Violations		78		78
Personnel Prohibitions		429	14	443
Unauthorized Release of Information	16	16		32
Inattention to Duty	150	224		374
Breach of Security	88	89		177
Unprofessional Conduct	71	224		295
Failure to Follow Policy	254	319		573
Failure to Follow Supervisor's Instructions		218		218
Other On-Duty Misconduct	188	225		413
Other Off-Duty Misconduct			206	206

Table 15: Types of Sustained Misconduct for FBOP Employees FY 2016
With 98.45 Percent Closed
(5,113 Total Opened)

Type of Misconduct	Number of Sustained Allegations			
	AIC Related	Non AIC Related	Off-Duty	TOTAL
Total	972	2,164	263	3,399
Abuse of AICs	45			45
Sexual Abuse of AICs	21			21
Introduction of Contraband	50	82		132
Discrimination	0	0		0
Fiscal Improprieties	17	265		282
Bribery	20	3		23
Inappropriate Relationships With AICs	150			150
Investigative Violations		72		72
Personnel Prohibitions		401	16	417
Unauthorized Release of Information	15	14		29
Inattention to Duty	139	260		399
Breach of Security	76	92		168
Unprofessional Conduct	66	227		293
Failure to Follow Policy	252	342		594
Failure to Follow Supervisor's Instructions		180		180
Other On-Duty Misconduct	121	226		347
Other Off-Duty Misconduct			247	247

Types of Misconduct

Abuse of AICs

Physical Abuse of AICs Excessive
Use of Force
Threatening an AIC/Verbal Abuse
Retaliation

Sexual Abuse of AICs

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

Disability
Ethnicity
Gender
Gender Identity
National Origin
Race
Religion
Sexual Orientation

Fiscal Improprieties

Time and Attendance Irregularities
Abuse of Sick Leave

Fiscal Improprieties (Cont.)

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 AIC Funds
Theft/Destruction of AIC Property
Theft/Misuse of Contractor Funds
Theft/Misuse of Contractor Property
Failure to Account for AIC Funds/Property
Theft of Employee Funds/Property
Misuse of UNICOR Resources
Contract Fraud

Bribery

Bribery

Inappropriate Relationship With AICs

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

Investigative Violations (Cont.)

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 AICs
Breach of Security¹
Breach of Computer Security^{1, 3}
Falsification of Documents
Unprofessional Conduct¹
Failure to Follow Policy¹
Failure to Follow Policy – OC Spray
Gambling/Promotion of Gambling
Endangering the Safety of an AIC Endangering
the Safety of Others
Providing Inaccurate Information Other Than During an Official Investigation
Insubordination
Accidental Discharge of a Firearm
Soliciting/Sale of Goods on Government Property
Job Favoritism
Workplace Violence

Other On-Duty Misconduct (Cont.)

Failure to Meet Performance Standards
Failure to Follow Supervisor's Instructions¹
Retaliation Against Those Who Report Allegations of Misconduct
Fraudulent Workers' Compensation Claims
Conduct Unbecoming a Management Official
Sexual Misconduct
Conduct Unbecoming a Correctional Worker

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-AIC 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.....	(Brian Mason)	Houston, TX	(Karl Kuznecow)
Aliceville, AL.....	(Christi Malone)	Jesup, GA.....	(Sherita Walsh)
Allenwood, PA.....	(Brian Cregan)	La Tuna, TX.....	(Jerry Cramer)
Ashland, KY.....	(Michael McAlister)	Leavenworth, KS	(Brian Damm)
Atlanta, GA	(Sherita Walsh)	Lee, VA.....	(Bethany Harris)
Atwater, CA	(Mark Tucker)	Lewisburg, PA	(Brian Mason)
Bastrop, TX.....	(Jerry Cramer)	Lexington, KY	(Bethany Harris)
Beaumont, TX.....	(Joy Walters)	Lompoc, CA	(Heather Zabitosky)
Beckley, WV	(Brian Mason)	Loretto, PA	(Gary Ganzel)
Bennettsville, SC.....	(Gary Ganzel)	Los Angeles, CA.....	(Heather Zabitosky)
Berlin, NH	(Brian Cregan)	Manchester, KY	(Bethany Harris)
Big Sandy, KY	(Michael McAlister)	Marianna, FL	(Sherita Walsh)
Big Spring, TX.....	(Derrick Lee-Lo)	Marion, IL.....	(Damon Sayers)
Brooklyn, NY	(Chace Farrel)	Mendota, CA.....	(Mark Tucker)
Bryan, TX.....	(Jerry Cramer)	McCreary, KY	(Bethany Harris)
Butner, NC	(Derrick Lee-Lo)	McDowell, WV.....	(Brian Mason)
Canaan, PA.....	(Trent Kiichler)	McKean, PA	(Gary Ganzel)
Carswell, TX	(Joy Walters)	Memphis, TN.....	(Heather Zabitosky)
Chicago, IL.....	(Brian Mason)	Miami (FDC & FCI), FL	(Adrienne Hayes)
Coleman, FL.....	(Sondra Miller)	MXRO, MD.....	(Andy Tietjen)
Community Corrections	(Michael McAlister)	Milan, MI.....	(Brian Mason)
Cumberland, MD.....	(Brian Cregan)	Montgomery, AL	(Brian Damm)
Danbury, CT.....	(Michael McAlister)	Morgantown, WV	(Brian Cregan)
Devens, MA	(Gary Ganzel)	New York, NY.....	(Karl Kuznecow)
Dublin, CA	(Christi Malone)	NCRO, KS	(Steven Steiber)
Duluth, MN	(Karl Kuznecow)	NERO, PA	(James LeClair)
Edgefield, SC	(Derrick Lee-Lo)	Oakdale, LA.....	(Karl Kuznecow)
El Reno, OK	(Damon Sayers)	Oklahoma, OK.....	(Damon Sayers)
Elkton, OH	(Adrienne Hayes)	Otisville, NY	(Adrienne Hayes)
Englewood, CO	(Karl kuznecow)	Oxford, WI.....	(Gary Ganzel)
Estill, SC.....	(Brian Mason)	Pekin, IL	(Damon Sayers)
Fairton, NJ.....	(Gary Ganzel)	Pensacola, FL.....	(Gary Ganzel)
Florence, CO	(Karl Kuznecow)	Petersburg, VA	(Norman Reid)
Forrest City, AR	(Heather Zabitosky)	Philadelphia, PA	(Brian Cregan)
Fort Worth, TX.....	(Adrienne Hayes)	Phoenix, AZ.....	(Jerry Cramer)
Fort Dix, NJ.....	(Norman Reid)	Pollock, LA.....	(Louis Thomas)
Gilmer, WV	(Derrick Lee-Lo)	Ray Brook, NY	(Bethany Harris)
Grand Prairie, TX.....	(Joy Walters)	Rochester, MN.....	(Mark Tucker)
Greenville, IL	(Damon Sayers)	Safford, AZ.....	(Christi Malone)
Guaynabo, PR.....	(Brian Cregan)	San Diego, CA	(Louis Thomas)
Hazelton, WV.....	(Brian Cregan)	Sandstone, MN	(Karl Kuznecow)
Herlong, CA	(Brian Mason)	Schuylkill, PA.....	(Gary Ganzel)
Honolulu, HI.....	(Joshua Brown)	Seagoville, TX.....	(Adrienne Hayes)

Monitoring Assignments

SeaTac, WA(Joy Walters)
Sheridan, OR(Joshua Brown)
SCRO, TX(Churee Robinson)
SERO, GA (Warren Hawkins)
Springfield, MO(Joy Walters)
Talladega, AL(Brian Damm)
Tallahassee, FL.....(Adrienne Hayes)
Terminal Island, CA (Heather Zabitosky)
Terre Haute, IN(Brian Damm)
Texarkana, TX..... (Michael McAlister)
Thomson, IL (Damon Sayers)
Three Rivers, TX..... (Gary Ganzel)
Tucson, AZ.....(Christi Malone)
Victorville, CA(Mark Tucker)
Waseca, MN(Louis Thomas)
WXRO, CA (Tyrone Miller)
Williamsburg, SC (Bethany Harris)
Yankton, SD(Louis Thomas)
Yazoo City, MS.....(Trent Kiichler)

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