

U.S. Department of Justice  
 Office of the Inspector General

**REPORT OF INVESTIGATION**

<b>SUBJECT</b>		<b>CASE NUMBER</b>	
[REDACTED] United States Marshal [REDACTED]		[REDACTED]	
<b>OFFICE CONDUCTING INVESTIGATION</b>		<b>DOJ COMPONENT</b>	
Chicago Field Office		United States Marshals Service	
<b>DISTRIBUTION</b>		<b>STATUS</b>	
<input checked="" type="checkbox"/> Field Office CFO <input checked="" type="checkbox"/> AIGINV <input checked="" type="checkbox"/> Component USMS <input type="checkbox"/> USA <input type="checkbox"/> Other		<input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED <b>PREVIOUS REPORT SUBMITTED:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Date of Previous Report:	

**SYNOPSIS**

The Department of Justice (DOJ) Office of the Inspector General (OIG) initiated this investigation upon the receipt of information from the United States Marshals Service (USMS) Office of Professional Responsibility-Internal Affairs regarding a complaint that the USMS had received from [REDACTED], alleging misconduct by the United States Marshal [REDACTED].

Specifically, [REDACTED] alleged that [REDACTED] misused information that he obtained while serving as [REDACTED] to enter the secure, restricted area of the [REDACTED] County Sheriff's Office and then proceeded to enter the jail without authorization. [REDACTED]

During the course of the investigation, the OIG found indications that [REDACTED] did not demonstrate the highest standards of personal conduct expected of USMS employees by entering a restricted area of the [REDACTED] County Jail without authorization.

[REDACTED] However, the OIG investigation substantiated the allegation that [REDACTED] violated the USMS Code of Professional Responsibility when he entered the restricted area of the jail without authorization, thereby violating [REDACTED] state law, specifically Title 35, Criminal Law and Procedure [REDACTED] (trespass). Additionally, by violating state law, [REDACTED] failed to demonstrate the highest

DATE	September 16, 2019	SIGNATURE	[REDACTED]
PREPARED BY SPECIAL AGENT [REDACTED]			
DATE	September 16, 2019	SIGNATURE	<i>William Hannah</i>
APPROVED BY SPECIAL AGENT IN CHARGE		William J. Hannah	

standards of personal conduct expected of USMS employees.

The OIG reviewed video surveillance recordings of the Sheriff's Office which captured [REDACTED] using the keypad in the lobby of the Sheriff's office to gain access to the administrative area of the office, and that he subsequently proceeded unescorted to the booking station located within the restricted area of the jail. The door leading from the administrative area to the jail had a posted sign on it which clearly indicated that unauthorized individuals were not allowed in into the jail. [REDACTED], the officer in charge on the date of the incident involving [REDACTED], told the OIG she had left the door propped open after getting coffee, which allowed [REDACTED] to open the door and enter the restricted area of the jail without being given access by an officer.

Three sheriff office employees told the OIG that [REDACTED] position as a U.S. Marshal had no bearing on his access to the restricted area of the jail or [REDACTED]. In addition, video surveillance recordings showed no evidence that [REDACTED] presented his USMS credentials or badge when accessing the facility [REDACTED].

Sheriff office personnel also told the OIG that a member of the general public seeking to bond an inmate out of jail after hours and on weekends was required to enter the front lobby of the sheriff's office and use an intercom system to speak with an officer. The individual would then pay the bond using the kiosk machine located in the lobby. The witnesses stated that members of the public were not allowed in the restricted booking area of the jail while posting bond for an inmate.

[REDACTED] told the OIG that [REDACTED] was [REDACTED] personal friend [REDACTED] and that, after [REDACTED] arrest, he called [REDACTED] County Sheriff's Office [REDACTED], who told him that [REDACTED] was eligible for a bond. [REDACTED] said he subsequently went to the sheriff's office and used the key code previously provided to him while he was [REDACTED] to enter the administrative area of the office. [REDACTED] stated that he expected to come in contact with an officer after entering the administrative area, but he instead found the secure inner door to the jail ajar. [REDACTED] said that he opened the door, walked back to the jailor's station where he came in contact with [REDACTED], and requested to post a bond for [REDACTED].

[REDACTED] said that he had entered the restricted areas of the jail on his own [REDACTED], and it seemed odd to hold a conversation [REDACTED] through an intercom system in lieu of talking to them face to face. [REDACTED]

[REDACTED] stated that he did not present his USMS badge or credentials to any jail officer when entering the facility or [REDACTED]. [REDACTED] said that there was no need to present himself as the U.S. Marshal because everyone in the facility knew him [REDACTED].

The U.S. Attorney's Office [REDACTED] did not deem the matter to concern a potential federal offense. [REDACTED] County, [REDACTED] Prosecutor's Office declined criminal prosecution of [REDACTED].

The OIG has completed its investigation and is providing this report to the USMS for appropriate action.

Unless otherwise noted, the OIG applies the preponderance of the evidence standard in determining whether DOJ personnel have committed misconduct. The Merit Systems Protection Board applies this same standard when reviewing a federal agency's decision to take adverse action against an employee based on such misconduct. See 5 U.S.C. § 7701(c)(1)(B); 5 C.F.R. § 1201.56(b)(1)(ii).

## DETAILS OF INVESTIGATION

### Predication

The Department of Justice (DOJ) Office of the Inspector General (OIG) initiated this investigation upon the receipt of information from the United States Marshals Service (USMS) Office of Professional Responsibility-Internal Affairs regarding a complaint that the USMS had received from [REDACTED], alleging misconduct by the United States Marshal [REDACTED].

Specifically, [REDACTED] alleged that on [REDACTED] [REDACTED] misused information that he obtained while serving as [REDACTED] to enter the secure, restricted area of the [REDACTED] County Sheriff's Office and then proceeded to enter the jail without authorization. [REDACTED]

### Investigative Process

The OIG's investigative process consisted of the following:

Interviews of the following [REDACTED] County employees:

[REDACTED]

An interview of [REDACTED] U.S. Marshal.

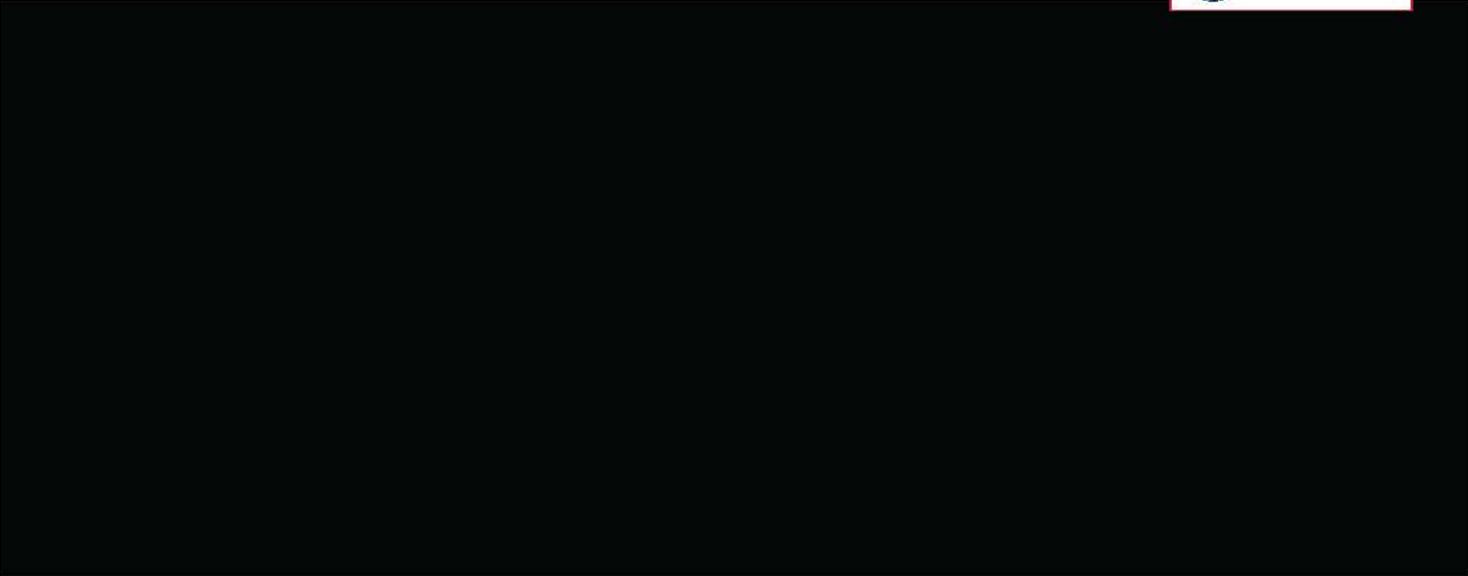
Reviews of the following:

- Video from the [REDACTED] County Jail surveillance system
- USMS training records for [REDACTED]

### Alleged Misuse of Position by [REDACTED]

The information provided in the letter from [REDACTED] alleged that [REDACTED] misused information that he had obtained [REDACTED] to gain access to a restricted area of the [REDACTED] County Sheriff's Office and make entry to the jail. [REDACTED]



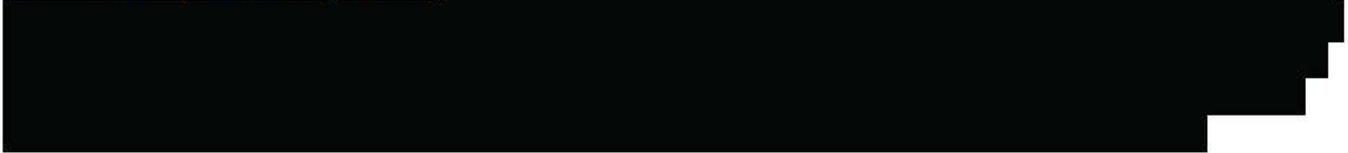


████████████████████ all told the OIG that a member of the general public seeking to bond an inmate out of jail after hours and on weekends was required to enter the front lobby of the sheriff's office and use an intercom system to speak with an officer. The individual would then pay the bond using the kiosk machine located in the lobby. ██████████ stated that members of the public were not allowed in the restricted booking area of the jail while posting bond for an inmate.

Three additional ██████████ County jail employees ██████████ told the OIG that they personally witnessed ██████████ within the secure area of the jail. One of the witnesses told the OIG that he thought that ██████████ was still ██████████ at the time of the incident, while the other two witnesses told the OIG they were aware that ██████████ had been ██████████ previously (having resigned ██████████ prior to the incident). All three witnesses told the OIG that, to their knowledge, ██████████ did not use his position as the U.S. Marshal to gain access to the restricted area of the jail. None of the witnesses mentioned how ██████████ entered the building.



████████████████████ told the OIG he then went to the jail and admitted that, upon arriving at the jail, he used the key code previously provided to him in his position as Sheriff to enter the administrative office area. ██████████ entered the area expecting to come in contact with an officer, but instead found the secure door leading to the jail ajar. ██████████ said he opened the ajar door, walked to the jail booking station, ██████████



████████████████████ said that he did not present his USMS credentials or badge to any jail staff and did not need to do so, because everyone working in the facility knew him as ██████████



## OIG's Conclusion

The OIG investigation found that, [REDACTED] improperly gained access to the administrative area of the Sheriff's Office using the key code that had been provided for his use while he was [REDACTED]

[REDACTED]

[REDACTED]

## Alleged Violations of the USMS Code of Professional Responsibility

While investigating the allegation that [REDACTED] misused information that he had obtained during [REDACTED] [REDACTED] to gain access to a restricted area of the [REDACTED] County Sheriff's Office and jail, the OIG examined [REDACTED] actions as they relate to [REDACTED] state law governing trespass. Additionally, the OIG found indications that by entering the administrative area of the [REDACTED] County Sheriff's Office and making entry into the restricted jail without authorization, [REDACTED] did not demonstrate the highest standards of personal conduct expected of USMS employees.

[REDACTED] states in pertinent part that:

A person who not having a contractual interest in the property, knowingly or intentionally enters the real property of another person after having been denied entry by the other person or that person's agent...commits criminal trespass, a Class A misdemeanor.

Subsection (c)(2) states in pertinent part that:

A person has been denied entry under subsection (b)(1) when the person has been denied entry by means of posting or exhibiting a notice at the main entrance in a manner that is either prescribed by law or likely to come to the attention of the public...

USMS Policy Directive 1.7, Code of Professional Responsibility, Section F, states in pertinent part:

28. Conduct: Avoid any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct...
29. High Standards: Demonstrate the highest standards of personal and moral conduct expected of law enforcement officers and other government employees.

[REDACTED] told the OIG that the door leading from the Sheriff Office's administrative area to the jail was a restricted area designated by a sign posted on the door clearly indicating that unauthorized individuals were not allowed in the area.

██████████ told the OIG that she had left the door leading from the administrative office area to the jail propped open which allowed ██████████ to enter the jail without being given access by an officer.

As noted above, ██████████ all described to the OIG a similar process by which a member of the general public seeking to bond an inmate out of jail after hours and on weekends would enter the front lobby of the sheriff's office and use an intercom system to speak with an officer. The individual would then pay the bond using the kiosk machine located in the lobby. ██████████ stated that members of the public were not allowed in the restricted booking area of the jail while posting bond for an inmate.

Video evidence showed and ██████████ admitted that, upon arriving at the sheriff's office, he used the key code previously provided to him in his position ██████████ to enter the Sheriff Office's administrative office area. ██████████ told the OIG that, upon entering the administrative office area, he expected to come in contact with an officer. Instead, ██████████ said he found the usually secure and locked door leading to the jail ajar. ██████████ said he opened the door, entered the restricted jail area, and walked to the jail booking station where he encountered ██████████. ██████████ also told the OIG that, while members of the general public bonded inmates out using the kiosk in the front lobby of the sheriff's office, he also was aware from his time ██████████ that, in practice, acquaintances of jail staff members were allowed in the restricted area if they needed to post bond for someone. ██████████

██████████ said that he entered the restricted area of the jail on the date in question because it seemed odd to have a conversation ██████████ through the intercom system, in lieu of talking with them face to face. ██████████

### *OIG's Conclusion*

The OIG investigation concluded that ██████████ violated USMS Policy Directive 1.7, Code of Professional Responsibility, Section F, and committed misconduct by: 1) using the key code that had been provided to him in his position ██████████ to gain access to the administrative area of the sheriff's office and 2) entering unescorted through a propped open door into the restricted area of the jail facility.

The key code for access to the administrative area of the sheriff's office was provided to ██████████ and ██████████ was not authorized to use it following his resignation ██████████. After using the key code without authorization to enter the Sheriff's office, ██████████ then knowingly entered into a restricted area of the jail facility through a door that was ajar with a sign posted on it stating that unauthorized individuals were not allowed to enter the jail area. ██████████ understood that the jail area was a restricted area because he admitted expecting to come into contact with an officer upon entering the administrative area and before being able to enter the jail area. Indeed, as we were told by ██████████, a member of the general public, which ██████████ was at the time of these events, would not have been allowed into the restricted booking area of the jail while posting bond for an inmate. Rather, after hours and on weekends, members of the public were required to enter the front lobby of the Sheriff's office, use an intercom system to speak with an officer, and then pay for the bond using the kiosk machine located in the lobby of the Sheriff's office.

██████████ asserted that it was the practice of the Sheriff's office to treat acquaintances of jail staff members differently and allow them into the restricted area of the jail in order to post bond for an inmate. However, even if that claim was true, this was not a situation where jail staff gave ██████████

access to either the Sheriff's administrative office or the jail. Rather, this was a situation where [REDACTED] gave himself access to the administrative office using a code provided to him when he was [REDACTED] and then took advantage of a door being ajar to give himself access to the jail area. [REDACTED]

Accordingly, by using the key code without authorization to access the administrative area of the Sheriff's Office and then proceeding unescorted into the restricted jail facility, [REDACTED] trespassed in violation of [REDACTED]. By violating [REDACTED] state law, [REDACTED] committed a violation of USMS Policy Directive 1.7, Section F.28. Similarly, by using the access code without authorization and by entering the restricted area of the sheriff's office without an escort or authorization, [REDACTED] failed to demonstrate high standards of personal conduct as alleged. [REDACTED] actions constituted administrative misconduct in violation of USMS Policy Directive 1.7, Section F.29.

The U.S. Attorney's Office [REDACTED] did not deem the matter to concern a potential federal offense. [REDACTED] County [REDACTED] Prosecutor's Office declined criminal prosecution of [REDACTED].

The OIG has completed its investigation and is providing this report to the USMS for appropriate action.