

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

REPORT OF INVESTIGATION

SUBJECT		CASE NUMBER	
[REDACTED] et al. [REDACTED] Assistant Director		[REDACTED]	
OFFICE CONDUCTING INVESTIGATION		DOJ COMPONENT	
Fraud Detection Office		Federal Bureau of Prisons	
DISTRIBUTION		STATUS	
<input checked="" type="checkbox"/> Field Office FDO <input checked="" type="checkbox"/> AIGINV <input checked="" type="checkbox"/> Component BOP <input type="checkbox"/> USA <input type="checkbox"/> Other		<input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Date of Previous Report:	

SYNOPSIS

The Department of Justice Office of the Inspector General (OIG) initiated this investigation upon the receipt of information from the Federal Bureau of Prisons (BOP) Office of Internal Affairs alleging that then BOP Assistant Director [REDACTED], assigned to the BOP [REDACTED] engaged in an inappropriate relationship with BOP contractor and [REDACTED].

During the course of the investigation, the OIG found indications that [REDACTED] lacked candor during her OIG interviews regarding her relationship with [REDACTED], and that she engaged in a sexual relationship with [REDACTED], the BOP's Union President. Additionally, during an OIG forensic analysis of [REDACTED] BOP-issued cell phone, the OIG found evidence that [REDACTED] used her BOP-issued cell phone to take sexually explicit photographs of herself and send those photographs to [REDACTED]. The OIG also found evidence that [REDACTED] intentionally downloaded and used encrypted communication cell phone applications to avoid detection of her official communications by the BOP.

The OIG investigation substantiated the allegations that [REDACTED] engaged in an inappropriate relationship with [REDACTED] in violation of the BOP's Standards of Employee Conduct, Section 4, General Policy, and Section 5, Personal Conduct, and that she lacked candor regarding her relationship with [REDACTED] during her OIG interviews in violation of Title 18 U.S.C. § 1001 and the BOP's Standards of Employee Conduct, Section 9, Official Investigation. The OIG investigation also substantiated that [REDACTED] misused her BOP-issued cell phone by

DATE	September 16, 2019	SIGNATURE	[REDACTED]
PREPARED BY SPECIAL AGENT			
DATE	September 16, 2019	SIGNATURE	Digitally signed by LEWE SESSIONS Date: 2019.09.16 13:33:54 -04'00'
APPROVED BY SPECIAL AGENT IN CHARGE		Lewe Sessions	

taking and sending sexually explicit photographs of herself and sending them to [REDACTED] in violation of the *Standards of Ethical Conduct for Employees of the Executive Branch*, 5 C.F.R. § 2635.101(9), the BOP's Standards of Employee Conduct, Section 12, Government Property, and DOJ Order 2740.1A, Section 3. Additionally, the OIG investigation substantiated that [REDACTED] misused her BOP-issued cell phone when she intentionally downloaded and used encrypted communication cell phone applications to avoid her official communications being detected by the BOP, also in violation of the *Standards of Ethical Conduct for Employees of the Executive Branch*, 5 C.F.R. § 2635.101(9), . Finally, the OIG substantiated that [REDACTED] and [REDACTED] engaged in a sexual relationship resulting in a conflict of interest in violation of the *Standards of Ethical Conduct for Employees of the Executive Branch*, 5 C.F.R. § 2635.101(b)(1) and 5 C.F.R. § 2635.101(b)(8), and the BOP's Standards of Employee Conduct, Section 4, General Policy, and Section 5, Personal Conduct, as well as [REDACTED] violation of the *Substantive Requirements Concerning Labor-Management Standards of Conduct, Prohibition of Conflicts of Interest*, 29 C.F.R. § 458.33.

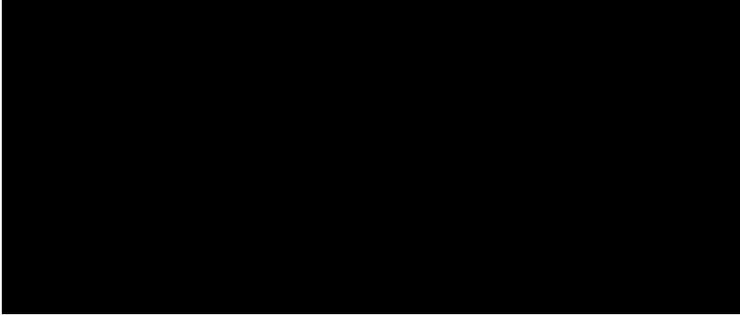
The U.S. Attorney's Office [REDACTED] declined criminal prosecution [REDACTED]

The OIG has completed its investigation and is providing this report to the BOP for appropriate action. The OIG is also referring this matter to the Department of Labor OIG for its consideration and notifying the BOP union of its findings.

[REDACTED]

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).

ADDITIONAL SUBJECTS



DETAILS OF THE INVESTIGATION

Predication

The Department of Justice Office of the Inspector General (OIG), initiated this investigation upon the receipt of information from the Federal Bureau of Prisons (BOP) Office of Internal Affairs alleging that then Assistant Director [REDACTED], assigned to the BOP [REDACTED] [REDACTED] was engaged in an inappropriate relationship with BOP contractor and [REDACTED]

During the course of the investigation, the OIG found indications that [REDACTED] lacked candor during her OIG interviews regarding her relationship with [REDACTED], and that she engaged in an inappropriate sexual relationship with [REDACTED], the BOP's Union President. Additionally, during an OIG forensic analysis of [REDACTED] BOP-issued phone, the OIG found evidence that [REDACTED] used her BOP-issued cell phone to take sexually explicit photographs of herself and sent those photographs to [REDACTED]. The OIG also found evidence that [REDACTED] intentionally downloaded and used encrypted communication cell phone applications to avoid detection of her official communications by the BOP.

Investigative Process

The OIG's investigative efforts consisted of:

Interviews of the following BOP personnel:

[REDACTED]

[REDACTED] Union President;

[REDACTED]

[REDACTED] Assistant Director, [REDACTED].

Interviews of the following personnel:

[REDACTED]

Reviews of the following:

- [REDACTED] government e-mails;
- Text messaging and call logs of [REDACTED] government-issued cell phone;
- [REDACTED] contracts with the BOP;
- [REDACTED]
- Forensic imaging conducted on [REDACTED] government phones.

Background

[REDACTED]

The OIG reviewed BOP contract records that showed that [REDACTED] was awarded a [REDACTED] contract [REDACTED]. In addition, in [REDACTED] was awarded a [REDACTED] sole source contract [REDACTED]. [REDACTED] was awarded a [REDACTED] sole source contract to continue implementing [REDACTED] program [REDACTED]. The BOP's [REDACTED] where [REDACTED] then served as Assistant Director, was the requesting office on these contracts and monitored [REDACTED] performance and approved payment for [REDACTED] invoices as well.

[REDACTED] served as the Assistant Director [REDACTED]. [REDACTED] initialed the Request for Purchase for RCS's [REDACTED] procurement as the requesting official, and was listed as the requesting official for the initial Request for Purchase sent to the BOP's Contracting Officer for the [REDACTED] procurement, although the official, signed contract showed a different IPPA employee as the requesting official.

[REDACTED] Engaged in an Inappropriate Relationship with [REDACTED]

The information provided to the OIG alleged that [REDACTED] engaged in an inappropriate relationship with [REDACTED] while he was a contractor with the BOP.

[REDACTED]

[REDACTED]

BOP's Standards of Employee Conduct, Section 5, Personal Conduct, further states that employees must avoid situations that give rise to a conflict of interest or the appearance of a conflict of interest. It also states that employees shall not participate in conduct that would lead a reasonable person to question their impartiality.

BOP's Standards of Employee Conduct, Section 2, Definitions, states that a conflict of interest exists where responsibilities as a public servant affect, or are affected by, the employee's private interests.

BOP's Standards of Employee Conduct, Section 4, General Policy, states that the BOP expects its employees to conduct themselves in such a manner that their activities both on and off duty do not discredit the agency. It further states that employees must conduct themselves in a manner that fosters respect for the BOP, the Department of Justice, and the U.S. Government.

Harassment on the basis of sex is a violation of §703 of Title VII of the Civil Rights Act, 29 C.F.R. §1604.11, and unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

It is the policy of DOJ to maintain a zero tolerance work environment that is free from harassment, including sexual harassment, DOJ Policy Memorandum #2015-04.

The *Standards of Ethical Conduct for Employees of the Executive Branch* states that public service is a public trust and each employee is to place laws and ethical standards above private gain. See 5 C.F.R. § 2635.101(b)(1). The Standards also require employees to take appropriate steps to avoid an appearance of loss of impartiality in the performance of their duties. See 5 C.F.R. § 2635.101(b)(8).

In his [REDACTED], interview with the OIG, [REDACTED] stated that he was introduced to [REDACTED] by [REDACTED] in [REDACTED]. [REDACTED] stated that he and [REDACTED] met each other [REDACTED], where [REDACTED] was a staff sponsor for [REDACTED] program. [REDACTED] said that he and [REDACTED] reconnected at a [REDACTED] party just prior to [REDACTED] introducing him to [REDACTED].

According to [REDACTED], [REDACTED] gave her BOP-issued cell phone number to [REDACTED] in [REDACTED] after [REDACTED] was awarded a [REDACTED] contract [REDACTED]. [REDACTED] said that he and [REDACTED] began communicating via text messages shortly thereafter, and they mainly discussed BOP [REDACTED] related topics.

[REDACTED] stated that [REDACTED] told him to download the encrypted chat application WhatsApp to ensure their conversations would be kept private. [REDACTED] stated that after he and [REDACTED] discussed how WhatsApp communications were kept on a server and their conversations might not be fully secure, [REDACTED] researched other encrypted chat applications and told [REDACTED] to download and install the encrypted chat application Signal.

█████ said that █████ began sending messages to him that were more romantic in nature after █████ and █████ began using the Signal application. The OIG's review of █████ BOP-issued phone found that she downloaded Signal on █████. According to █████, █████ sent, via the encrypted chat applications WhatsApp and Signal, many pictures of herself posing in lingerie, and she frequently told █████ how much she loved him. █████ said █████ sexual advances towards him intensified █████
█████

█████

█████

█████ told the OIG that he met █████ during work hours █████ so they could kiss and express their affection for another. According to █████, █████ also invited him to meet her at a hotel room █████ █████ said that he thought he was meeting █████ in public █████, but he then received a call from █████ inviting him up to her hotel room where █████ rejected her sexual advances towards him.

█████ stated that he deleted many text messages from █████ in which she sent sexually explicit pictures of

herself and expressed her love for him. [REDACTED] said that he began retaining his communications with [REDACTED] after, in or around [REDACTED] he sensed she was trying to sabotage his efforts to start an [REDACTED] program at [REDACTED], due to [REDACTED] rejecting her sexual advances. [REDACTED] told the OIG that [REDACTED] sabotaged [REDACTED] program by telling [REDACTED] he could not have his name or face shown on a promotional video for the program, and he surmised that [REDACTED] did not allow the program to continue due to pressure from [REDACTED].

[REDACTED] said that [REDACTED] became frustrated because he would not acquiesce to her wishes for a sexual relationship, and she eventually threatened he would not be able to do any business with BOP without her support. [REDACTED]

The OIG reviewed cell phone records for [REDACTED] BOP-issued cell phone and found 77 phone calls between [REDACTED] and [REDACTED] from [REDACTED]. The OIG found no records of text communications between [REDACTED] and [REDACTED] on [REDACTED] BOP-issued cell phone between [REDACTED].

The OIG took possession of and imaged [REDACTED] BOP-issued cell phone subsequent to conducting interviews of her on [REDACTED]. The results of the forensic review of [REDACTED] cell phone seized in [REDACTED] showed [REDACTED] business name and cell phone number listed in her contacts. The review also showed that [REDACTED] installed Signal on her cell phone at 11:50 p.m. on [REDACTED], then received a Signal verification code from [REDACTED] at 11:51 p.m. After receiving the Signal verification code message from [REDACTED] phone on [REDACTED], [REDACTED] did not have any text messages with [REDACTED] stored on her cell phone until [REDACTED], when she texted him to say "Other messaging not working." [REDACTED] and [REDACTED] exchanged several additional texts on that day until [REDACTED] texted [REDACTED], "Can we talk later. Meetings all day. Kisses. Back to app." There were no other texts on [REDACTED] BOP-issued cell phone. The OIG found five voicemail messages from [REDACTED] to [REDACTED] on her cell phone, which were date stamped between [REDACTED], and [REDACTED]. On these voicemail messages, [REDACTED] referred to [REDACTED] as "Baby" and "Baby Girl," and ended one message with "Love you."

The OIG interviewed [REDACTED] three times regarding her relationship with [REDACTED]. During her initial interview on [REDACTED], [REDACTED] denied having any sort of personal or romantic relationship with [REDACTED] and stated she only communicated with him sporadically. In her [REDACTED], interview, [REDACTED] described her relationship with [REDACTED] as a friendship and said she had communicated with him fewer than 10 times via phone calls and had exchanged some text messages with him. [REDACTED] stated that she found nothing unusual with the voicemail messages [REDACTED] left on her BOP-issued cell phone and said members of BOP's Executive Staff would refer to her in the same manner. [REDACTED] claimed she met [REDACTED] approximately five times outside of work in public settings, and that during these meetings they talked about [REDACTED] program and the work he was doing. [REDACTED] said she did not believe it was inappropriate to meet with a contractor in such a manner because she did not

view [REDACTED] as a contractor; however, she did acknowledge she knew he was a contractor with BOP at the time. [REDACTED] again denied any romantic relationship with [REDACTED] and maintained that she only had sporadic communications with [REDACTED].

In her [REDACTED], interview with the OIG, [REDACTED] again initially maintained that her contact with [REDACTED] was sporadic. The OIG then showed [REDACTED] the call logs of her BOP-issued cell phone, which detailed 77 calls between [REDACTED] and [REDACTED] between [REDACTED] and [REDACTED]. [REDACTED] was also shown the text messages contained within [REDACTED]. [REDACTED] included screen shots of over 120 texts between [REDACTED] and himself. [REDACTED] stated that she did not recall having that amount of communication with [REDACTED] until shown the amount by the OIG. The OIG showed [REDACTED] multiple texts in which she told [REDACTED] she loved him and wanted a greater relationship with him, to which [REDACTED] stated she did not recall telling [REDACTED] she loved him or feeling those emotions towards him, but she acknowledged the text messages shown were from her. After being shown all of the above information by the OIG, [REDACTED] eventually admitted to a personal relationship with [REDACTED], although she stated it was never a sexual relationship. The OIG also showed [REDACTED] the two handwritten notes [REDACTED]. [REDACTED] acknowledged it was her handwriting, but did not recall writing the notes or giving them to [REDACTED]. When asked by the OIG if she ever invited [REDACTED] to a hotel room, [REDACTED] acknowledged inviting [REDACTED] to her hotel room [REDACTED], but said that she had booked the hotel room for the purpose of having a conversation with [REDACTED] because she did not want to become emotional in a public setting. [REDACTED] did not recall what topic she wanted to discuss with [REDACTED] or what they discussed after they got to her hotel room.

[REDACTED] admitted her relationship with [REDACTED] was inappropriate and much closer than she had told the OIG in previous interviews. [REDACTED] explained that she worked long hours and was going through a separation from her husband during the time period of her relationship with [REDACTED] as the reasons why she did not recall the details of her relationship with [REDACTED] when previously interviewed by the OIG. In her interviews with the OIG, [REDACTED] maintained that she had no involvement in the crafting of or approval of [REDACTED] contracts. However, [REDACTED] acknowledged in her [REDACTED], interview with the OIG that it was her initials in the "Requested By" field on [REDACTED] contract with the BOP, although she claimed she had no recollection of signing this procurement. When shown a text message string, dated [REDACTED], retrieved from her BOP-issued phone in which her Executive Assistant asks [REDACTED] "How much would you quote for each speaking engagement," to which [REDACTED] responds "Have no clue...2k? No clue really," [REDACTED] told the OIG she had no recollection of that text conversation.

OIG's Conclusion

The OIG investigation concluded that [REDACTED] engaged in an inappropriate relationship with [REDACTED]. [REDACTED] actions constitute misconduct in violation of BOP's Standards of Conduct [REDACTED]. [REDACTED] The OIG further concluded that [REDACTED] actions were in violation of the *Standards of Ethical Conduct for Employees of the Executive Branch*, 5 C.F.R. § 2635.101(b)(8), by her failure to take appropriate steps to avoid the appearance of a loss of impartiality in the performance of her duties.

The OIG also found that both [REDACTED] and [REDACTED] acknowledged a close personal relationship that appears, based on the plain language of the text messages, to have been romantic. While neither [REDACTED] nor [REDACTED] admitted to having had a physical or sexual relationship, with the exception of [REDACTED] stating that he would meet [REDACTED] to kiss and talk and that [REDACTED] invited him to a hotel room with the intention of seducing him, the OIG concluded that because of [REDACTED] position as BOP's Assistant Director [REDACTED], it is difficult to characterize any unacknowledged personal relationship with [REDACTED], a contractor who had and was seeking additional BOP contracts over which [REDACTED] exercised control, as entirely consensual, and any such relationship potentially violates the public trust principles outlined in the *Standards of Ethical Conduct* that requires employees to maintain impartiality in the performance of their duties, as well as DOJ's zero tolerance policy regarding sexual harassment.

Lack of Candor

During the course of the investigation, the OIG found indications that [REDACTED] lacked candor during her OIG interviews.

BOP's Standards of Employee Conduct, Section 9, Official Investigation, states that during the course of an official investigation, employees are to cooperate fully by providing all pertinent information they may have. Full cooperation requires truthfully responding to questions and providing a signed affidavit if requested. Any employee who fails to cooperate fully or who hinders an investigation is subject to disciplinary action, up to and including removal.

Title 18, United States Code (U.S.C.), Section 1001 (False Statements), provides in pertinent part that whoever, in any matter within the jurisdiction of the executive branch of the Government of the United States, knowingly and willfully makes any materially false, fictitious, or fraudulent statement or representation, shall be fined under this title or imprisoned not more than 5 years, or both.

As discussed above, the OIG interviewed [REDACTED] several times after receiving the allegation regarding her inappropriate relationship with [REDACTED]. In her first interview with the OIG on [REDACTED], [REDACTED] denied having any sort of personal or romantic relationship with [REDACTED] and stated that she had only sporadically communicated with him.

In her second, [REDACTED], interview with the OIG, [REDACTED] described her relationship with [REDACTED] as a friendship and said she had communicated with him fewer than 10 times via phone calls and had exchanged some text messages with him. [REDACTED] told the OIG she met [REDACTED] about five times during the daytime in public settings, including at a restaurant [REDACTED]. [REDACTED] said she talked to [REDACTED] about his program [REDACTED] and that these meetings were not romantic in nature. [REDACTED] said she did not believe it was inappropriate to meet with a contractor in such a manner because she did not view [REDACTED] as a contractor; however, she did acknowledge she knew he was a contractor with the BOP when meeting him.

████████ further told the OIG during this second interview that she found nothing unusual with the voicemail messages ██████████ left on her BOP-issued cell phone, where he addressed her as “Baby” and “Baby Girl”, and she said members of BOP’s Executive Staff would refer to her in the same manner. The OIG conducted multiple interviews of BOP personnel, including members of its Executive Staff and ██████████ and none of these individuals had ever referred to or heard someone else refer to ██████████ as “Baby”, “Baby Girl”, or in anything other than a professional manner.

████████ also stated that she did not download and install the encrypted chat applications WhatsApp and Signal for the purpose of keeping her text messages from being reviewed by BOP or anyone else. ██████████ stated that texts were considered by BOP to be on the “personal side” of a user’s BOP-issued cell phone, and that there were no restrictions imposed by BOP on how its agency-issued cell phones were used, as long as it did not incur a cost to the government or was something inappropriate, like pornography. ██████████ again denied any romantic relationship with ██████████ and maintained that she only had sporadic communications with ██████████.

In her ██████████, interview with the OIG, ██████████ again initially asserted that she had approximately 10 phone conversations with ██████████ and had met him five or six times in person. The OIG then showed ██████████ the text messages ██████████ which included approximately 120 text messages between ██████████ and ██████████, and the phone logs showing 77 calls between ██████████ and ██████████, and she again described these communications as sporadic. ██████████ confirmed that the text messages contained ██████████ were from her. The OIG showed ██████████ text messages where she told ██████████ that she loved him and he was her soul mate. ██████████ again acknowledged that she sent the text messages, but she stated that she did not recall sending them or having those emotions towards ██████████. When asked by the OIG why she could not recall sending ██████████ those text messages or recalling if she loved ██████████, ██████████ explained that it was a “crazy time” in her life due to her working long hours ██████████

After being asked by the OIG during this third interview if she ever invited ██████████ to a hotel room, ██████████ acknowledged inviting ██████████ to her hotel room ██████████ to have a conversation with him. ██████████ did not recall what topic she wanted to discuss with ██████████ or what they discussed after they got to her hotel room. ██████████ said that she booked a hotel room to have her discussion with ██████████ because she did not want to become emotional in a public setting. ██████████ acknowledged that the handwritten notes in ██████████ were her handwriting, but she did not remember giving them to him.

████████ further stated in her ██████████, interview that she had a personal relationship with ██████████, but that it was never romantic or sexual. She also acknowledged that, considering her position at BOP, it was wrong to be involved in a personal relationship with a contractor. ██████████ told the OIG that her relationship with ██████████ was much closer than she had previously recalled in her interviews with the OIG, and she acknowledged it was an inappropriate relationship.

OIG’s Conclusion

The OIG investigation concluded that [REDACTED] lacked candor in her interviews with the OIG regarding her relationship with [REDACTED]. [REDACTED] actions constitute misconduct in violation of BOP's Standards of Conduct regarding employees' full cooperation in investigations by providing all pertinent information they may have and truthfully responding to questions and are in violation of 18 U.S.C. Section 1001 regarding individuals that knowingly and willfully makes any materially false, fictitious, or fraudulent statement or representation in a matter within the jurisdiction of the executive branch of the federal government.

[REDACTED] Misused Her BOP-Issued Cell Phone

During the course of the investigation, the OIG found evidence that [REDACTED] used her BOP-issued cell phone to take sexually explicit photographs of herself and installed encrypted text message applications with the intent of keeping her communications with [REDACTED] and [REDACTED] from being retained on her BOP-issued phone.

The *Standards of Ethical Conduct for Employees of the Executive Branch* states that "Employees shall protect and conserve Federal property and shall not use it for other than authorized activities." See 5 C.F.R. § 2635.101(9)

BOP's Standards of Employee Conduct, Section 12, Government Property, also states that government property is to be used for authorized purposes only.

DOJ Order 2740.1A, Section 3, prohibits the creation, download, viewing, storage, copying, or transmission of sexually explicit or sexually oriented materials.

The OIG's forensic review of [REDACTED] BOP-issued cell phone found numerous sexually explicit pictures of [REDACTED] stored on the device. In her [REDACTED], interview with the OIG, [REDACTED] acknowledged taking and sending sexually explicit pictures of herself on her BOP-issued phone, but she saw nothing inappropriate or improper about her actions because BOP instructed its employees to use their BOP-issued phones as their personal phone. [REDACTED] did eventually acknowledge that the sexually explicit pictures on her BOP-issued cell phone could be deemed pornography, which she admitted was not allowed on government devices.

During the course of its investigation, the OIG found that the BOP did not require its employees to sign a Rules of Behavior agreement acknowledging the proper use of government systems and devices. In its user guide that instructs employees on how to activate their BOP-issued cell phones, BOP states that users have a personal and work side to their cell phone.

In her [REDACTED], interview with the OIG, [REDACTED] stated there was no *de minimis use* restriction on the use of her BOP-issued cell phone. However, DOJ policy states "Employees are generally authorized to make *minimal* personal use of most office equipment and library facilities where the cost to the Government is negligible and on an employee's own time." See [28 C.F.R. § 45.4](#). The OIG found that [REDACTED] sent and received over 30,000 text messages on her government cell phone between [REDACTED] and [REDACTED]. In her [REDACTED], interview with the OIG, [REDACTED] stated she communicated with [REDACTED],

██████████. ██████████ stated she and ██████████ use these applications to talk about BOP personnel matters that they did not want to be seen by other parties.

██████████ told the OIG that she communicated with ██████████ on encrypted chat applications. ██████████ further stated that the use of encrypted chat applications was not prohibited or restricted by BOP, and that ██████████ and her staff used them to communicate about work matters because, in her opinion, the native SMS messaging function on the BOP-issued phones was not secure.

In her interviews with the OIG, ██████████ stated she downloaded these encrypted chat applications because they enabled text messages to be sent via Wi-Fi, which she said was necessary due to the poor network service at her residence. However, both the BOP's Union President, ██████████, and ██████████ told the OIG that ██████████ instructed them to download the applications in order to keep their respective communications with her private. Additionally, the OIG found, in its review of ██████████ BOP-issued cell phone, that ██████████ installed Signal on her cell phone at 11:50 p.m. on ██████████, and received a Signal verification code from ██████████ at 11:51 p.m. and sent a message to a contact listed as ██████████ which she later confirmed was ██████████, to switch to Signal at 11:53 p.m. These actions, in addition to ██████████ and ██████████ statements, gave the appearance that ██████████ utilized these encrypted chat applications for the purpose of keeping her communications with ██████████ and ██████████ from being discovered.

The OIG found work-related messages in ██████████ Signal messages folder. These messages, sent to contacts within BOP, were marked as "Unsecured SMS", meaning the other party did not have Signal installed. ██████████ messages with ██████████ were marked as "Signal message". The OIG did not find messages to ██████████ or ██████████ in ██████████ Signal messages folder.

The OIG found its investigative efforts were hampered by ██████████ utilization of encrypted chat applications, which kept her text communications with ██████████ and ██████████ from being retained on her government-issued cell phone. As noted above, these applications may also have included official government correspondence.

OIG's Conclusion

The OIG investigation concluded that ██████████ misused her BOP-issued cell phone. ██████████ actions constitute misconduct in violation of BOP's Standards of Conduct, DOJ Order 2740 I.A. and the Code of Federal Regulations regarding the unauthorized use of government property.

██████████ and ██████████ Engaged in an Inappropriate Sexual Relationship

During the course of the investigation, the OIG found indications that ██████████ and the BOP's Union ██████████ and BOP ██████████, were involved in a sexual relationship.

BOP's Standards of Employee Conduct, Section 4, General Policy, states that the BOP expects its employees to conduct themselves in such a manner that their activities both on and off duty do not discredit the agency. It also states employees must conduct themselves in a manner that fosters respect for the BOP, the Department of

Justice, and the U.S. Government. BOP's Standards of Employee Conduct, Section 5, Personal Conduct, states that employees must avoid situations that give rise to a conflict of interest or the appearance of a conflict of interest. BOP's Standards of Employee Conduct, Section 5, Personal Conduct, also states a conflict of interest exists where responsibilities as a public servant affect, or are affected by, the employee's private interests. It further states that employees shall not participate in conduct that would lead a reasonable person to question their impartiality.

The *Standards of Ethical Conduct for Employees of the Executive Branch* states that public service is a public trust and each employee is to place laws and ethical standards above private gain. See 5 C.F.R. § 2635.101(b)(1). The Standards also require employees to take appropriate steps to avoid an appearance of loss of impartiality in the performance of their duties. See 5 C.F.R. § 2635.101(b)(8).

The *Substantive Requirements Concerning Labor-Management Standards of Conduct, Prohibition of Conflicts of Interest* states in relevant part that no officer or agent of a labor organization shall, directly or indirectly (1) have or acquire any pecuniary or personal interest which would conflict with his fiduciary obligation to such labor organization, or (2) engage in any business or financial transaction which conflicts with his fiduciary obligation. See 29 C.F.R. § 458.33.

In his [REDACTED], interview with the OIG, [REDACTED] stated he began working with [REDACTED] as part of a union-management partnership on policies the BOP wanted to implement. [REDACTED] explained to the OIG that he has been a member of the BOP Union's Executive Board [REDACTED]. [REDACTED] stated that he and [REDACTED] began having a sexual relationship in late [REDACTED] and continued this relationship until [REDACTED] ended it in approximately [REDACTED]. [REDACTED] stated his romantic relationship with [REDACTED] started after they met for dinner and drinks [REDACTED]. [REDACTED] said he met [REDACTED] at his hotel for sexual encounters when visiting [REDACTED] for official BOP business. [REDACTED]

[REDACTED] stated he communicated with [REDACTED] frequently via text messaging and phone calls, including on evenings and weekends. [REDACTED] said that [REDACTED] instructed him to download and communicate with her on Signal so their communications would be kept private. The OIG showed [REDACTED] a Signal message retrieved from [REDACTED] BOP-issued cell phone, dated [REDACTED], in which [REDACTED] told him she would not have her phone for the rest of the day, to which [REDACTED] replied "Ok. Erase." [REDACTED] stated he told [REDACTED] to erase the message because he did not want whoever had [REDACTED] cell phone to find out about their relationship. [REDACTED] said that both he and [REDACTED] were aware they had to keep their relationship a secret.

█████ said that his romantic relationship with █████ ended because he could not separate his business and personal relationships with her. █████ said that █████ did not understand when █████ would tell █████ he would have to file an unfair labor practice complaint against her if she tried to implement a policy without going through █████ in an official capacity. █████ stated that he never sought the advice of an ethics official at BOP regarding his relationship with or the receipt of money from █████ because she was not his supervisor or in his chain of command.

The OIG's review of the call logs for █████ BOP-issued cell phone found that █████ and █████ exchanged 810 calls between █████, of which 211 were placed after 9:00 p.m. or on a weekend.

In her █████ interview with the OIG, █████ admitted to having a sexual relationship with █████ from approximately █████ until several months prior to her interview with the OIG. █████ said that she met █████ in █████ when they began working together on a BOP union-management partnership. █████ stated that, during the time they were romantically involved, she met █████ at his hotel approximately twice a month for sexual encounters when he was in town for meetings. █████ stated that she did not travel to █████ to meet █████ and only met him while he was in the █████ area. █████

█████ was asked by the OIG to verify that the contact in her BOP-issued cell phone labeled as "█████" was █████. █████ affirmed that the █████ contact was █████, and told the OIG that it stood for, "█████". When asked by the OIG why she would list █████ as such on her government cell phone, she responded it was because he was the union president and that was how she referred to him. █████ added that █████ referred to himself as the "█████" and told █████ to put him in her phone as such. █████ did not see a problem with labelling █████ as "█████" in her BOP-issued cell phone because she claimed it was on the "personal side" of her cell phone.

OIG's Conclusion

The OIG investigation concluded that █████ and █████ engaged in an inappropriate, sexual relationship. As a senior management official for the BOP, █████ was responsible for several aspects of the BOP's relationship with its union and had direct responsibility for working with █████ on BOP labor issues. In that position, █████ had a fiduciary duty to represent the BOP's best interests in labor matters, while █████ had a fiduciary duty to represent the best interests of the union. By having a sexual and personal financial relationship with each other at the same time that █████ was representing the BOP and █████ was representing the union in

union-related matters, [REDACTED] and [REDACTED] actions constituted misconduct in violation of BOP's Standards of Conduct and the Code of Federal Regulations regarding a conflict of interest.

With regard to [REDACTED] actions given his responsibilities as the BOP union president, the DOJ OIG is referring this matter to the Department of Labor OIG for its consideration and notifying the BOP union of its findings.

The U.S. Attorney's Office [REDACTED] declined prosecution in this matter.

The OIG has completed its investigation and is providing this report to the BOP for its review and action it deems appropriate.

The OIG is submitting procedural reform recommendations to the BOP related to BOP-issued cell phone usage via separate correspondence.