

REPORT OF INVESTIGATION

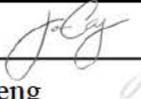
SUBJECT		CASE NUMBER	
[REDACTED] Warden		2018-008123	
OFFICE CONDUCTING INVESTIGATION		DOJ COMPONENT	
San Francisco Area Office		Federal Bureau of Prisons	
DISTRIBUTION		STATUS	
<input checked="" type="checkbox"/> Field Office	SFAO	<input type="checkbox"/> OPEN	<input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED
<input checked="" type="checkbox"/> AIGINV		PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<input checked="" type="checkbox"/> Component	BOP	Date of Previous Report:	
<input type="checkbox"/> USA			
<input checked="" type="checkbox"/> Other	OSC		

SYNOPSIS

The Department of Justice Office of the Inspector General (OIG) initiated this investigation upon the receipt of information from the U.S. Office of Special Counsel (OSC) reporting in a letter dated May 10, 2018, that unidentified employees at the Federal Bureau of Prisons (BOP) U.S. Penitentiary (USP) Atwater, California, undertook a renovation project inside the landscape warehouse, specifically to convert the warehouse to a training facility, without acquiring the required approvals and permits, and excluded both the USP Atwater Facility Manager and the Environmental Safety Compliance Administrator (ESCA) from the renovation project, all of which violated BOP Program Statements (PS) 4200.10 (Facilities Operations Manual), PS 1600.11 (National Occupational Safety and Health Policy), and PS 1600.13 (National Fire Protection Policy).

During the course of the investigation, the OIG learned that USP Atwater Warden [REDACTED] was responsible for initiating the renovation project inside the landscape warehouse. Additionally, subsequent to the onset of the investigation, USP Atwater ESCA [REDACTED] provided the OIG with information alleging that [REDACTED] tried to coerce him into backing off from reporting that USP Atwater undertook the landscape warehouse project without acquiring the required approvals.

The OIG investigation substantiated the allegation that [REDACTED] directed the construction of a training structure inside the landscape warehouse at USP Atwater without first acquiring the necessary approvals from the BOP Western Regional Office (WRO) and the BOP Central Office, and that [REDACTED] excluded the Facility Manager and the ESCA from the project, all in violation of BOP Program Statements. The investigation did not substantiate the allegations that USP Atwater or [REDACTED] failed to acquire permits for the renovation project, as permits were not required, or that [REDACTED] tried to coerce [REDACTED] into backing

DATE March 4, 2019	SIGNATURE [REDACTED]
PREPARED BY SPECIAL AGENT [REDACTED]	
DATE March 4, 2019	SIGNATURE  JAMES CHENG Date: 2019.03.04
APPROVED BY SPECIAL AGENT IN CHARGE	James K. Cheng 10:31:44 -08'00'

off from reporting the project.

The OIG has completed its investigation and is providing this report to the BOP for appropriate action and to OSC in compliance with 5 U.S.C. § 1213(e)(3).

DETAILS OF INVESTIGATION

Predication

The Department of Justice Office of the Inspector General (OIG) initiated this investigation upon the receipt of information from the U.S. Office of Special Counsel (OSC) reporting in a letter dated May 10, 2018, that unidentified employees at the Federal Bureau of Prisons (BOP) U.S. Penitentiary (USP) Atwater, California, undertook a renovation project inside the landscape warehouse, specifically to convert the warehouse to a training facility, without acquiring the required approvals and permits, and excluded both the USP Atwater Facility Manager and the Environmental Safety Compliance Administrator (ESCA) from the renovation project, all of which violated BOP Program Statements (PS) 4200.10 (Facilities Operations Manual), PS 1600.11 (National Occupational Safety and Health Policy), and PS 1600.13 (National Fire Protection Policy).

During the course of the investigation, the OIG learned that USP Atwater Warden [REDACTED] was responsible for initiating the renovation project inside the landscape warehouse. Additionally, subsequent to the onset of the investigation, USP Atwater ESCA [REDACTED] provided the OIG with information alleging that [REDACTED] tried to coerce him into backing off from reporting that USP Atwater undertook the landscape warehouse project without acquiring the required approvals.

Investigative Process

The OIG's investigative effort consisted of the following:

Interviews of the following BOP personnel:

- [REDACTED], Western Regional Facilities Administrator
- [REDACTED], Facility Manager
- [REDACTED], Environmental Safety Compliance Administrator
- [REDACTED], Engineering Technician
- [REDACTED], Security Specialist
- [REDACTED], Captain
- [REDACTED], Associate Warden
- [REDACTED], Associate Warden
- [REDACTED], Warden
- [REDACTED], Central Office Facilities Management Branch Chief
- [REDACTED], Central Office Chief of Programs
- [REDACTED], Central Office Resource Management Chief

Review of the following:

- BOP Program Statements 4200.12, 1600.11, and 1600.13
- Photographs and physical walk-thru of the USP Atwater landscape warehouse

- Emails between various BOP staff
- BOP purchase card acquisition forms, sales orders, purchase receipts, and invoices

Constructed Training Structure in Violation of BOP Policies

The information provided to the OIG alleged that unidentified employees at USP Atwater undertook a renovation project inside the landscape warehouse without acquiring the required approvals and permits and excluded the USP Atwater Facility Manager and ESCA in violation of BOP policies. Specifically, the landscape warehouse was being renovated from a warehouse to a training facility. The OIG later learned [REDACTED] initiated the project.

BOP Program Statements Concerning Construction or Renovation and Change of Use Modifications

BOP PS 4200.12, updated on July 18, 2017, concerning the Facilities Operations Manual states, in a section titled “Modifications of Existing Facilities,” that the Regional Facilities Administrator must submit to the Chief of the Facilities Programs Section at the BOP Central Office all designs for new construction at existing institutions and for modifications that change the use of existing buildings prior to work being conducted. PS 4200.12 also states, in a section titled “Regional Approval,” that no modification or addition to existing buildings may take place without the prior written approval of the Regional Facilities Administrator or designee. PS 4200.12 also states, in a section titled “Work Programming, Scheduling, and Reporting,” that “The Facility Manager, under the Associate Warden’s general supervision, is responsible for planning, program Scheduling, and reporting of construction and maintenance activities in accordance with this Manual.” According to PS 4200.12, under the section titled “Life Safety/Fire Protection,” the institution Facility Manager and the ESCA must review all plans for new construction, alterations, and renovations affecting life, safety and fire protection.

BOP PS 1600.11, dated April 12, 2016, regarding the National Occupational Safety and Health Policy, states that the ESCA must participate in all construction and renovation project committee meetings and must be notified of all construction and renovation projects to focus on compliance with occupational safety and health requirements. Additionally, the ESCA must monitor construction and renovation projects to ensure compliance with approved design and safety requirements.

In addition, BOP PS 1600.13, dated June 1, 2017, regarding the National Fire Protection Policy, states that the ESCA must approve plans for renovation, modification, change of use, and change of occupancy with a focus on compliance with fire protection requirements. Additionally, the ESCA must monitor construction projects to ensure compliance with approved design and mandatory fire protection requirements.

Inspection of the USP Atwater Landscape Warehouse

The OIG inspected the USP Atwater landscape warehouse and found that a plywood structure with hallways and rooms, but no ceiling or drywall, was situated on one side of the warehouse. The walls of the structure were bolted to the ground with removable bolts. Additionally, rough framing for more rooms was constructed

on the opposite side of the warehouse. The warehouse contained some supplies, as well as a trailer (later identified as a medical trailer), but otherwise was mostly empty. The structure also appeared to be equipped with a fire enunciator as can be seen in photographs taken by the OIG.

The USP Atwater Landscape Warehouse Project Initiated by [REDACTED]

BOP Western Regional Facilities Administrator [REDACTED] told the OIG that he is responsible for approving all change of space and modifications to existing BOP buildings in the BOP Western Region area, including the USP Atwater facility. The OIG presented [REDACTED] with photographs of the USP Atwater training structure and the rough framing that were constructed within the USP Atwater landscape warehouse, and [REDACTED] stated he was never notified of this project. According to [REDACTED] he should have been involved with the project because it constituted a change of use of space, converting it from a warehouse to a training facility. [REDACTED] added that this meant that the USP Atwater Facility Department Manager, [REDACTED], would have been required to submit a project proposal to [REDACTED], including a cover memorandum, design drawings, and a cost estimate for the project. [REDACTED] said he and his staff would have reviewed the package for sufficiency and, if satisfied with the project proposal, forwarded the proposal package to the BOP Central Office Chief Facilities Programs for further review and approval in accordance with BOP PS 4200.12. [REDACTED] stressed that all requests for a change of use have to go through both the BOP Regional Office and Central Office for review. [REDACTED] said he had no contact with [REDACTED], any USP Atwater Associate Warden, [REDACTED], [REDACTED], or any other USP Atwater staff member prior to or during construction of the training structure within the landscape warehouse.

In explaining the process, [REDACTED] said that before a BOP facility submits a proposal to its regional office, the project proposal needs to be reviewed, approved, and signed off at the institution level by a committee consisting of the Warden, Associate Warden, Captain, Facility Manager, and ESCA. [REDACTED] did not know why the USP Atwater project was not submitted to the Western Regional Office (WRO) for review, or why the Facility Manager and ESCA at USP Atwater were not involved in the project. [REDACTED] said that the ESCA needed to be involved in this project pursuant to PS 1600.11, which requires, among other things, the ESCA to monitor the project to ensure compliance with safety requirements. However, [REDACTED] did not believe BOP's National Fire Protection Policy, PS 1600.13, was relevant to this project or would be something he would have looked at during his review because the training structure was not an enclosed space with walls built to the ceiling of the landscape warehouse. [REDACTED] added that the BOP does not need to obtain any local licenses or permits for projects such as this.

Consistent with [REDACTED] statement, [REDACTED] told the OIG that as the Facility Manager at USP Atwater, he is responsible for supervising all construction at the institution, including building renovation projects, and that the details of any proposed project should first come to him. [REDACTED] said the project proposal would then be discussed during the monthly Facility Department meeting, after which the Warden would decide whether or not to approve it. According to [REDACTED] if the Warden approved the project, [REDACTED] staff would, among other things, survey the site location, obtain cost estimates, and have the USP Atwater Engineering Technician, [REDACTED], [REDACTED] create the blueprints for the job. [REDACTED] said that once complete, the Warden, Associate Warden, ESCA, and Facility Manager would have to sign off on the plans. Once signed off by all parties, [REDACTED] would then send

the blueprints, along with a justification for change of use and cost estimates, to the BOP WRO for review. [REDACTED] said that at USP Atwater, they follow California building and safety codes; however, in most instances, such as the landscape warehouse project, they would not have been required to obtain a permit or license from any local or state jurisdiction. [REDACTED] told the OIG that in his opinion, based on his subsequent observation of the work done in the landscape warehouse, the project should have gone through the aforementioned review process because converting a warehouse into a training facility constituted a change of use. [REDACTED] said no one ever asked him to review the construction plans for the training structure, and he did not sign off on any renovation plans. Further, [REDACTED] was not aware that [REDACTED] ever created blueprints for the job.

[REDACTED] confirmed to the OIG that he did not create blueprints for the training structure in the landscape warehouse, nor did he ever work on the project. [REDACTED] did not know who approved the project, adding that no one ever discussed it with him. [REDACTED] opined that there should be blueprints for the training structure because walls were erected.

USP Atwater ESCA [REDACTED] told the OIG that he agreed with [REDACTED] and [REDACTED] that if the landscape warehouse project was done properly, it should have gone through the appropriate review and approval process, including first determining the intention of the renovation project (converting warehouse storage to educational purposes), conducting a site evaluation and a pre-construction meeting, and requesting a change of use through the BOP WRO. [REDACTED] recalled that on an unspecified date in 2017, [REDACTED] told him and [REDACTED] to move everything that was then being stored in the landscape warehouse into the Safety Department warehouse, and by November 2017, they completed the assignment. [REDACTED] said that at that time, he did not know why [REDACTED] had them clear the landscape warehouse, but in December 2017, the doors to the landscape warehouse were open, and he noticed some framing was constructed inside the warehouse. [REDACTED] went inside and spoke to an unidentified inmate who told him the structure being built was going to be a training facility for the USP Atwater Special Operations Response Team and other law enforcement agencies.

[REDACTED] later asked [REDACTED] what was happening, and [REDACTED] responded that they were just putting up some temporary walls. However, on January 23, 2018, [REDACTED] saw that drywall was installed on the framed structure within the landscape warehouse, and it was painted. [REDACTED] recalled that an unidentified inmate who was present told [REDACTED] they also planned to build a second structure of one or two rooms on the opposite side of the landscape warehouse so staff could practice hostage extractions. Further, the unidentified inmate told [REDACTED] that USP Atwater Security Specialist [REDACTED] was "spearheading" the construction. [REDACTED] recalled that a short while later, USP Atwater Associate Warden [REDACTED] asked him what was wrong with the construction in the landscape warehouse. [REDACTED] did not know how [REDACTED] found out about the construction. [REDACTED] explained to [REDACTED] that BOP policy requires a pre-construction meeting with [REDACTED] and [REDACTED] as the institution's ESCA and Facility Manager, respectively, as well as the Warden and an Associate Warden, and that a construction design for the renovation project was required. [REDACTED] stated that he also told [REDACTED] that changing a landscape warehouse, intended for storage, to a training facility required a change of occupancy approval and a sprinkler waiver, which all had to be reviewed by the BOP WRO and the Central Office. After his conversation with [REDACTED] on January 23, 2018, [REDACTED] sent an email to [REDACTED] and USP Atwater Associate Warden [REDACTED], with a copy to [REDACTED] and others, reiterating his conversation with [REDACTED] and advising that construction in the landscape warehouse should cease "until we have

covered the elements and or requirements.” (The aforementioned email from ██████████ is fully described in the section below titled ‘██████████ Allegedly Tried to Coerce ██████████ Disregard BOP Policy Violations.’)

According to ██████████, several months went by, and he was under the impression that the construction in the landscape warehouse had stopped as the doors to the warehouse were always closed. However, on May 17, 2018, ██████████ noticed a door to the warehouse was open and that additional framing had been erected since his last visit in January 2018. ██████████ subsequently reported to ██████████ that construction was ongoing. According to ██████████, ██████████ told him to send an email to ██████████, who was the Acting Warden at the time, as ██████████ had transferred to another facility, and that ██████████ would address it. Therefore, later that same day, ██████████ emailed ██████████ advising her of the ongoing construction in the landscape warehouse and that she should stop the project until plans could be submitted and proper approvals obtained. ██████████ stated that ██████████ responded to him in an email in which she indicated that she had stopped the project.

The OIG reviewed BOP emails and noted that on May 18, 2018, ██████████ responded to ██████████ that she advised staff to cease any construction or modifications “until the proper procedures are submitted.” Additionally, the OIG reviewed an email from ██████████ to ██████████ on May 18, 2018, stating that pursuant to their conversation, he ██████████ should cease any construction to the “training building” and that, “Any further modifications should be done in accordance with policy.”

██████████ told the OIG that in 2016, he, ██████████, and others attended a Crisis Management Team (CMT) training at an offsite location that had a warehouse outfitted with mock offices and cells where they could practice making entry in simulated emergency situations. ██████████ said that after the training, ██████████ stated to CMT attendees that USP Atwater should have a similar training structure and later told ██████████ he wanted to use the landscape warehouse to train staff. According to ██████████, ██████████ asked him to assist with converting the landscape warehouse to a training facility. ██████████ said ██████████ conceptualized building a training structure with movable walls so they could create different and changing scenarios. ██████████ explained that he told ██████████ that movable walls would not be possible as it would require expensive specialized hardware. However, ██████████ proceeded to build a training structure using an already-completed design for a “shoot house” he obtained from a local sheriff’s department. ██████████ recalled that the design did not work for a prison environment as it was originally drawn, because the hallways on the design were too narrow. ██████████ used the design but widened the dimensions of the hallways to be more appropriate for a prison layout. According to ██████████, he provided the customized design to ██████████ who then told ██████████ to proceed with the project. ██████████ recalled that “over several months,” inmates, supervised by staff, cleared the items stored in the landscape warehouse and moved them to the Safety Department warehouse. ██████████ added that inmates and other staff (whom he did not identify), including himself, worked on the construction of the training structure within the landscape warehouse and used lumber that was left over from a defunct USP Atwater inmate vocational training program; however, the left-over lumber was not enough, and additional supplies were purchased. ██████████ said they used material that would make the structure easy to remove, including screws instead of nails. ██████████ also noted that the plywood walls were painted, but no drywall was used. ██████████ provided the OIG photographs of the training structure showing it had plywood walls that were secured to the floor with removable eye bolts. ██████████ further added that the training structure in the landscape warehouse has a hard-wired enunciator with flashing lights that would be activated by the presence of smoke.

The OIG reviewed the design [REDACTED] used and found that it did not show any details, such as the dimensions of the walls. [REDACTED] said that after he received the design, he handwrote on the design the dimensions for the landscape warehouse structure. But [REDACTED] could not find or provide to the OIG the customized design with his handwritten measurements.

The OIG interviewed USP Atwater Captain [REDACTED], who stated that in or about September 2017, the WRO provided USP Atwater additional year-end funding that had to be spent prior to the end of the fiscal year on September 30. After receiving the funds, [REDACTED] approved several purchase orders in September 2017 for construction material and other items, some of which was used for the landscape warehouse project. [REDACTED] said he first learned of the project when [REDACTED] came to him about wanting to build a training building, and when USP Atwater received the additional year-end funding, [REDACTED] recalled [REDACTED] said he wanted to start the project.

The OIG obtained and reviewed purchase orders and receipts for items purchased between September 21, 2017, and September 27, 2017, purportedly for the landscape warehouse project. The OIG also reviewed the purchases with [REDACTED]. Consistent with [REDACTED] statement, [REDACTED] agreed that some of the items listed on the invoices were used for the landscape warehouse project but that the items were also purchased for multiple other ongoing projects at USP Atwater. [REDACTED] recalled that construction of the landscape warehouse training structure did not start until approximately January 2018, but there was material remaining from the September 2017 purchases, some of which was used for the training structure.

The OIG also discussed the renovation project with BOP Central Office and presented photographs of the construction in the USP Atwater landscape warehouse to BOP Central Office Facilities Management Branch Chief [REDACTED], BOP Central Office Chief of Programs [REDACTED], and BOP Central Office Resource Management Chief [REDACTED]. After reviewing the photographs, [REDACTED] stated that USP Atwater should have requested a change of use through the BOP WRO to use the landscape warehouse as a training facility. Further, [REDACTED] stated that even though the landscape warehouse remained a storage facility, the construction of movable or temporary walls for a training structure within the warehouse would have required a request to WRO for a change of use, which would include a completed drawing and an inquiry for requirements of a sprinkler system or enunciator. Specifically, [REDACTED] said the USP Atwater Facility Manager and the ESCA would have been required to oversee the landscape warehouse project because it should have gone to “work programming,” a process which includes the institution’s Facility Manager, ESCA, Associate Wardens, and the Warden. [REDACTED] stated that the USP Atwater Facility Department should have created a set of blueprints; the Facility Manager, ESCA, and Executive Staff should have all signed off on the project; and they should have sent the entire proposal to the WRO for a change of use, and the request would have ultimately ended up at the BOP Central Office for approval or any necessary changes. [REDACTED] clarified that because the training structure has movable walls, blueprints might not have been appropriate; however, USP Atwater should have at least provided a concept drawing which would include the dimensions of the structure. [REDACTED] further stated that the project would not have required a “pre-construction meeting” because that is for projects where an outside contractor is hired. According to [REDACTED] any BOP staff member could supervise the project if that person has the right skill-set.

The OIG interviewed [REDACTED], who denied any involvement in the landscape warehouse renovation project and stated that he only learned of the construction inside the landscape warehouse when [REDACTED] included him in the email on January 23, 2018. [REDACTED] stated he was not responsible for supervising any construction projects because he did not supervise the Facility Department or the Safety Department, as that was [REDACTED] assignment. [REDACTED] did not know why [REDACTED] notified him about the project on January 23, 2018, instead of [REDACTED]. Further, [REDACTED] stated that he did not know who initiated the renovation project, but assumed it was [REDACTED]. [REDACTED] noted that [REDACTED] did not discuss the project with him. [REDACTED] agreed that this project should have been submitted for review and approval before a local committee and WRO.

During her voluntary OIG interview, [REDACTED], who is currently assigned to the Federal Correctional Institution, Safford, Arizona, stated that she began her assignment as an Associate Warden at USP Atwater in September 2016 and was assigned to supervise Operations, which included the Facility Department and the Safety Department. [REDACTED] said she was not aware of the construction in the landscape warehouse until [REDACTED] personally told her about it on January 23, 2018. [REDACTED] recalled that after speaking with [REDACTED] but before she had a chance to look into the situation, [REDACTED] had started the email chain to her, [REDACTED], and [REDACTED]. [REDACTED] said [REDACTED] responded to the email and that [REDACTED] and [REDACTED] went back and forth a few times. However, according to [REDACTED], [REDACTED] never said anything else about the project to her, so she assumed the situation was resolved with either the cessation of construction or otherwise. [REDACTED] told the OIG that [REDACTED] never discussed the project with her, and that she next heard about it on May 17, 2018, when [REDACTED] sent her another email in which he reported that construction within the landscape warehouse was ongoing and recommended that the project cease until proper approvals were obtained. [REDACTED], as the acting Warden at the time of this second email in May 2018, said she then spoke with [REDACTED] and asked him who was performing the work, to which [REDACTED] responded [REDACTED]. According to [REDACTED], she sent an email to [REDACTED] instructing him to stop any further construction or modification to the landscape warehouse until they went through the construction committee meeting process. [REDACTED] said [REDACTED] responded that he would stop, and she never heard anything more about it.

During [REDACTED] compelled OIG interview, he explained that he was assigned to USP Atwater as the Warden from approximately January 2015 to April 2018, prior to his transfer to the Federal Correctional Complex (FCC) in Florence, Colorado, as the Complex Warden. [REDACTED] told the OIG that he was solely responsible for initiating the construction of the training structure within the USP Atwater landscape warehouse and that neither of the USP Atwater Associate Wardens were involved with the renovation project. According to [REDACTED], the Facility Manager at USP Atwater was under the supervision of an Associate Warden; however, both of these positions were under his supervision, and therefore, he was ultimately responsible for everything that happened at the facility. [REDACTED] further stated that there were no meetings for the landscape warehouse renovation project, other than one-on-one communication he had with [REDACTED]. [REDACTED] said he chose [REDACTED] to lead the project because [REDACTED] was a great employee who has "passion," and [REDACTED] took pride in what he did.

[REDACTED] stated that prior to his tenure at USP Atwater, he was assigned to the WRO as the Correctional Services Administrator. According to [REDACTED] while in that position, the WRO Director approved his

proposal to expand the Western Region's emergency preparedness logistical sites by adding sites at USP Atwater and the FCC in Victorville, California. Further, ██████████ noted that while at the WRO, he acquired several hundred thousand dollars' worth of equipment and supplies that were diverted to USP Atwater, FCC Victorville, and USP Lompoc (USP Lompoc was previously the only emergency preparedness logistical site in BOP's Western Region). ██████████ said that upon his transfer to USP Atwater, he reminded the WRO that USP Atwater was an emergency preparedness logistical site and asked how he could convert the Facility Department warehouse, also known as the landscape warehouse, from storing Facility Department items to storing emergency preparedness equipment. According to ██████████ after some back and forth, the WRO's only concern with his proposal to convert the landscape warehouse was that fire sprinklers would need to be installed if USP Atwater stored anything containing fuel or propane in the warehouse.

██████████ explained that USP Atwater sits on a former military base, and when the BOP obtained the property, it also came with several military buildings, including three warehouses. ██████████ noted that one of the warehouses at USP Atwater was being used by Food Service, another one by the Safety Department, and the third one, which was the landscape warehouse, by the Facility Department. ██████████ said USP Atwater did extensive research on the landscape warehouse, as well as the two other warehouses on the BOP property, and in conversations with WRO staff, determined that the warehouses had zero value because they were donated to the BOP by the military. According to ██████████ the guidance he received from the WRO was that since the warehouse buildings did not cost the BOP anything, they would probably not spend money to have sprinklers installed. Specifically, ██████████ spoke with ██████████ who said that the warehouses had zero value and was not part of USP Atwater's blueprint; therefore, BOP WRO was not concerned with the use of the building. Similarly, ██████████ also recalled that someone from BOP Central Office had told him he could use the landscape warehouse for storage, as long as he did not store combustible material, for which he would need sprinklers installed.

In support of his statement, ██████████ provided the OIG with copies of emails he exchanged with ██████████ regarding converting the landscape warehouse into an emergency preparedness storage site. The OIG reviewed the emails and noted that ██████████ exchanged emails with ██████████ on March 31, 2015, and April 8, 2015. On March 31, 2015, ██████████ wrote to ██████████ and asked him to provide the dimensions of the landscape warehouse, as well as what ██████████ was proposing to store, including whether vehicles with gasoline or propane tanks would be stored in the landscape warehouse. On the same date, ██████████ provided the dimensions and stated that the proposed utilization would be as a Western Regional Emergency Preparedness Logistical site for the storage of equipment, including vehicles. On April 8, 2015, ██████████ wrote to ██████████, ██████████ and others, to notify them that any change of use to store vehicles in the landscape warehouse would require sprinklers. The OIG noted that although the emails reveal discussions of emergency preparedness storage, storage of items containing fuel or propane, and installation of fire sprinklers, there were no specific discussions of converting the landscape warehouse for training purposes.

The OIG explained to ██████████ that BOP PS 4200.12 states that the Regional Facilities Administrator must submit to the BOP Central Office all designs for new construction and for modifications that change the use of a building. However, ██████████ reasoned that BOP Program Statement 4200.12, which also requires designs for new construction to be submitted to a BOP Regional Office, did not apply to the landscape warehouse

project because it was not a construction project since the structure they built within the landscape warehouse was not permanent, as the walls were not finished with drywall and were only bolted together. Further, ██████ responded that the landscape warehouse was still being used for storage. ██████ stated that he did not believe the project classified as a change of use because the warehouse would still be used for storage, even though it would also be used for training. ██████ further provided an example to illustrate his logic, explaining that USP Atwater has a training center (other than the landscape warehouse) which is also used for other things. In addition, ██████ believed he covered the change of use requirement with the WRO by getting approval to store emergency preparedness equipment in the landscape warehouse and did not need to ask for a change of use to also conduct training. ██████ explained that he did not talk to ██████ about putting up the temporary walls for the training structure because he viewed the landscape warehouse chiefly as a storage area for emergency preparedness equipment, of which ██████ was aware. In addition, ██████ did not believe the landscape warehouse would require sprinklers if they used it as a training facility, explaining that staff and inmates occupy the other two USP Atwater warehouses over 8 hours a day, and they do not have sprinklers. Therefore, in his opinion, the landscape warehouse renovation project did not require any further approvals. ██████ believed a pre-construction meeting was not required for the project because the construction work was done internally and not by an outside contractor. According to ██████ pre-construction meetings are only required for circumstances involving major projects where outside contractors are brought in.

██████ denied excluding ██████ and ██████ from the project, explaining that, prior to construction, he took them to the landscape warehouse and told them to combine the Facility Department equipment stored there and relocate it into the Safety Department warehouse. ██████ said that they therefore knew he was going use the landscape warehouse to store emergency preparedness equipment. According to ██████, emergency equipment fell under the USP Atwater Captain's purview, and ██████ as a Security Specialist, fell under the Captain's chain of command. Therefore, he assigned the project to ██████

OIG's Conclusion

The OIG investigation substantiated the allegation that ██████ undertook a renovation project inside the landscape warehouse, converting the warehouse to a training facility, without acquiring the required approvals. Specifically, the OIG found that ██████ directed ██████ to construct a training structure inside the landscape warehouse, but failed to request a change of use with the WRO and excluded the USP Atwater Facility Manager and the ESCA from the project, in violation of BOP Program Statements 4200.12, 1600.11, and 1600.13. The OIG did not substantiate that USP Atwater built the training structure without acquiring permits, because the OIG found that permits were not required for this type of project.

██████ Allegedly Tried to Coerce ██████ to Disregard BOP Policy Violations

During the investigation, ██████ alleged that ██████ tried to coerce him into backing off from reporting the USP Atwater landscape warehouse project that took place without the required approvals and permits.

BOP PS 3420.11 regarding Standards of Employee Conduct states that an employee may not use physical

violence, threats, or intimidation toward any person visiting a Bureau work site or toward fellow employees.

As previously stated in this report, ██████ told the OIG that after his conversation with ██████ on January 23, 2018, he sent an email to ██████ and ██████ with a copy to ██████ and others, reiterating his conversation with ██████ and advising that construction in the landscape warehouse should cease “until we have covered the elements and or requirements.” ██████ also attached two pages of BOP policies to the email regarding Modification of Existing Facilities and Construction and Renovation Projects.

According to ██████, ██████ quickly responded to his January 23, 2018, email by asking ██████ to “please forward me the documentation along with the approval(s) for the SCBA test building that safety constructed in the recycling warehouse.” The OIG reviewed this series of emails between ██████ and ██████ in which ██████ explained the that the walls constructed in the Safety Department warehouse (referred to as the recycling warehouse) had been movable, unlike the staff training area being constructed in the landscape warehouse. ██████ replied in an email, “It is my understanding that the same applies to the new warehouse building. There is no difference.” Shortly thereafter, ██████ responded to ██████ that the landscape warehouse was going from “landscaping to education or assembly” and that a change of use such as that had to go to the BOP WRO and Central Office for approval. ██████ explained further in his email that they needed to have a pre-construction meeting with the USP Atwater Facility Department. In response, ██████ wrote back to ██████ “Like I said, bring me the approvals that you got to change the recycling warehouse to a training facility.” Finally, ██████ responded, “There are no approvals so it was removed. This doesn’t change what needs to be done with this new project sir. This is ultimately your house and you make the decisions. I am simply providing you with the direction dictated by policy.”

In reference to ██████ request for ██████ to provide the approval for the SCBA training site, ██████ explained to the OIG that he was responsible for running SCBA training during USP Atwater’s annual refresher training. ██████ said part of the training included staff entering a blacked out room where a fogger is used to simulate smoke so staff can practice evacuations in limited visibility. According to ██████, approximately 4 or 5 years ago, he obtained approximately six walls that were built, and subsequently discarded, by inmates in a construction vocational training program. He used them to construct two rooms inside the Safety Department warehouse for the training. ██████ said that when the annual refresher training was finished, the walls were taken down. ██████ believed that ██████ by sending that email to him, was trying to “coerce” him into backing off regarding the current landscape warehouse construction project by implying that ██████ should have also had plans to construct the SCBA training structure in the Safety Department warehouse.

During his OIG interview, ██████ denied that the statement to ██████ was any type of threat. ██████ explained that his initial email in response to ██████ was a genuine request for ██████ to show him what ██████ did so they could do the same thing on the landscape warehouse project. ██████ acknowledged his subsequent email response was “probably a little bit more sarcastic.” According to ██████ the message he was trying to convey to ██████ was, “why are you making an issue of something that you did and you’re not willing to provide me the documentation?”

████████ told the OIG he had a cordial but strained relationship with ██████. ██████ explained, “he

is the type of person that when you tell him something he doesn't want to hear he finds a way to stick it to you." [REDACTED] said [REDACTED] was not happy about some decisions he made, "and I think, you know, that's why we're here today."

OIG's Conclusion

The OIG did not substantiate the allegation that [REDACTED] tried to coerce [REDACTED] into backing off from reporting the landscape warehouse.