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DEPARTMENT OF JUSTICE | OFFICE OF THE INSPECTOR GENERAL

REPORT OF INVESTIGATION

SUBJECT (b)(6); (b)(7)(C) Warden (b)(6); (b)(7)(C)		CASE NUMBER 2022-008988
OFFICE CONDUCTING INVESTIGATION Chicago Field Office		DOJ COMPONENT Federal Bureau of Prisons
DISTRIBUTION <input checked="" type="checkbox"/> Field Office CFO <input checked="" type="checkbox"/> AIGINV <input checked="" type="checkbox"/> Component BOP <input type="checkbox"/> USA <input type="checkbox"/> Other	STATUS <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 (DOJ) 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 on (b)(6); (b)(7)(C) Warden (b)(6); (b)(7)(C) operated his personal utility terrain vehicle (UTV) (alternatively referred to as an all-terrain vehicle (ATV)) on institution grounds (b)(6); (b)(7)(C) during a BOP sponsored social event that occurred (b)(6); (b)(7)(C). The information also suggested that (b)(6); (b)(7)(C) may have endangered the safety of staff through carelessness while operating his ATV.

Before the investigation started, the OIG received two anonymous complaints alleging that (b)(6); (b)(7)(C) operated his ATV on institution grounds (b)(6); (b)(7)(C) and that he made several inappropriate comments to various employees (b)(6); (b)(7)(C).

During the course of the investigation, the OIG found indications that (b)(6); (b)(7)(C) may have made false statements and lacked candor during an interview with the OIG.

The OIG investigation substantiated the allegations that (b)(6); (b)(7)(C) operated his ATV on institution grounds; endangered the safety of staff through carelessness; made sexist, racist, and obscene comments to employees; and

DATE October 26, 2023 (b)(6); (b)(7)(C)	SIGNATURE (b)(6); (b)(7)(C)
PREPARED BY SPECIAL AGENT	
DATE October 26, 2023 William Hannah	SIGNATURE  WILLIAM HANNAH 2023.10.26 15:07:53 -05'00'
APPROVED BY SPECIAL AGENT IN CHARGE	

OIG Form III-210/1 (Superseding OIG Form III-207/4) (04/23/2007)

Portions of the Report of Investigation may not be exempt under the Freedom of Information Act (5 USC 552) and the Privacy Act (5 USC 552a).



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made false statements and lacked candor during his OIG interview, in violation of DOJ and BOP policy.

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

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

Five staff members told the OIG that they witnessed (b)(6); (b)(7)(C) operate his personal ATV on institution grounds. Two staff members told the OIG that (b)(6); (b)(7)(C) operated the ATV in a reckless manner, nearly tipping the vehicle over.

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

(b)(6); (b)(7)(C) Seven staff members relayed to the OIG that they witnessed (b)(6); (b)(7)(C) make inappropriate sexual and disrespectful comments on various days since becoming the Warden (b)(6); (b)(7)(C)

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

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

The OIG reviewed a memorandum to file from (b)(6); (b)(7)(C) dated (b)(6); (b)(7)(C) which stated that (b)(6); (b)(7)(C) met with (b)(6); (b)(7)(C) the week of (b)(6); (b)(7)(C) regarding allegations that (b)(6); (b)(7)(C) made inappropriate sexual remarks and that (b)(6); (b)(7)(C) admitted to (b)(6); (b)(7)(C) that he referred to his masturbation, in a joking manner, with his staff.

In a voluntary interview with the OIG, (b)(6); (b)(7)(C) admitted to operating his ATV on institution grounds and confirmed that a BOP employee rode with him as a passenger; however, (b)(6); (b)(7)(C) stated he was not aware that his use of a personal ATV on institution grounds violated BOP policy until after the date of the incident. (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)
(b)(6); (b)(7)(C) claimed he was not driving like a "maniac," but admitted that while turning the ATV "kind of...tilted off the ground or whatever, and then came back down." Finally, (b)(6); (b)(7)(C) denied making any inappropriate sexual or disrespectful comments to staff.

The U.S. Attorney's Office (b)(6); (b)(7)(C) declined prosecution of (b)(6); (b)(7)(C)

The OIG has completed its investigation and is providing this report to the BOP 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).



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(b)(6); (b)(7)(C) Unauthorized Operation of His Personal ATV on BOP Grounds, Endangerment of Others, (b)(6); (b)(7)(C)

The information provided to the OIG alleged that during a BOP social event on (b)(6); (b)(7)(C) operated a personal ATV (b)(6); (b)(7)(C) on institution grounds and may also have endangered the safety of staff through his carelessness while operating his ATV.

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

BOP Institution Supplement SST-4400.05I, Section 13(F)(3), dated September 10, 2020, states: "ATVs, Go-Karts, Snowmobiles, Minibikes. These vehicles may be possessed by housing residents but may not be used on institution grounds."

BOP Standards of Employee Conduct, Program Statement 3420.11, Attachment-A - Standard Schedule of Disciplinary Offenses and Penalties, lists under "Nature of Offense," Para. 15, "Endangering the safety of . . . staff, inmates, or others through carelessness or failure to follow instructions."

(b)(6); (b)(7)(C) explained to the OIG that on (b)(6); (b)(7)(C) during a BOP sponsored social event (b)(6); (b)(7)(C) offered to give her a ride in his ATV (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) agreed and rode with (b)(6); (b)(7)(C) on BOP property. (b)(6); (b)(7)(C) did not know the exact time she rode in the ATV, but confirmed it was after 3:30 pm. (b)(6); (b)(7)(C) said that while returning (b)(6); (b)(7)(C) was going too fast, and the ATV "kind of" tipped when rounding a corner. (b)(6); (b)(7)(C) stated that the ATV almost rolled over, but (b)(6); (b)(7)(C) was able to catch it and "flipped it back over."

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

(b)(6); (b)(7)(C) further told the OIG that she did not know if the ATV almost tipped over because (b)(6); (b)(7)(C) was going too fast (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) told the OIG that on (b)(6); (b)(7)(C) he witnessed (b)(6); (b)(7)(C) operate his personal ATV on institution grounds with (b)(6); (b)(7)(C) as a passenger around 5:00 p.m. According to (b)(6); (b)(7)(C) the ATV went "sideways"; (b)(6); (b)(7)(C) "hit the gas coming around (b)(6); (b)(7)(C) and the ATV slid sideways. He stated that it "definitely" went on two wheels, but it did not completely flip over. (b)(6); (b)(7)(C)

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

(b)(6); (b)(7)(C) told the OIG that during (b)(6); (b)(7)(C) duty hours, she witnessed (b)(6); (b)(7)(C) driving his personal ATV with two (b)(6); (b)(7)(C) on institution grounds a "day or two" before the event at issue.

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



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

During a voluntary interview with the OIG, (b)(6); (b)(7)(C) admitted that during the BOP sponsored social event (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) he rode his personal ATV (b)(6); (b)(7)(C) to the institution's (b)(6); (b)(7)(C) with (b)(6); (b)(7)(C)

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

(b)(6); (b)(7)(C) further admitted that while driving the vehicle (b)(6); (b)(7)(C) the vehicle "tilted off the ground or whatever and then came back down." He said he was not driving like a "maniac," but suggested that the ATV tipped while starting from a stopped position and turning, as that was common if the tire hits a rock or something. (b)(6); (b)(7)(C) acknowledged to the OIG that he is now aware that operating an ATV on institution grounds is prohibited, but he said he was unaware of the policy at the time of the event.

The U.S. Attorney's Office (b)(6); (b)(7)(C) declined prosecution of (b)(6); (b)(7)(C)

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OIG's Conclusion

The OIG investigation concluded that [REDACTED] improperly drove his personal ATV on BOP grounds and endangered the safety of other [REDACTED] staff through his carelessness while operating that motor vehicle as alleged, and his actions violated BOP policies, specifically BOP Institution Supplement SST-4400.05I, Section 13(F)(3) and BOP Program Statement 3420.11, Attachment A, Part 15.

The OIG determined that [REDACTED] endangered the safety of [REDACTED] employee [REDACTED] and other staff through his reckless driving of the ATV at a high speed that caused the vehicle to nearly tip over while another employee was a passenger, [REDACTED] himself described the incident as an "oh crap moment," and the statements made by [REDACTED] were deemed credible by the OIG.

[REDACTED]

[REDACTED]

Sexual, Racist, and Obscene Comments Toward BOP Staff

Before the investigation began, the OIG received an anonymous complaint that alleged that [REDACTED] made several inappropriate comments to various employees [REDACTED]

BOP Standards of Employee Conduct (Program Statement 3420.11), Attachment A – Standard Schedule of Disciplinary Offenses and Penalties lists under "Nature of Offense," Para. 10, "[D]isrespectful conduct, use of insulting, abusive, or obscene language to or about others. "

The DOJ, Office of the Attorney General, Prevention of Harassment in the Workplace, Policy Memorandum No. 2015-04, dated October 9, 2015, states in part:

The Department of Justice will maintain a zero tolerance work environment that is free from harassment (including sexual harassment) based on sex, race, color, religion, national origin, gender identity, age, disability (physical or mental), genetic information, status as a parent, sexual orientation, marital status, political affiliations, or any other impermissible factor... Harassing conduct is defined as any unwelcome verbal or physical conduct that is based on any of the above-referenced characteristics when this conduct explicitly or implicitly affects an individual's employment; unreasonably interferes with an individual's work performance; or creates an intimidating, hostile, or offensive work environment. To enforce this zero tolerance policy, the Department will treat harassing conduct as misconduct, even if it does not rise to the level of harassment actionable under Title VII of the Civil Rights Act of 1964, as amended... Even where a single utterance of an ethnic, sexual, racial, or other offensive epithet may not be severe enough to constitute unlawful harassment in violation of Title VII, it is the Department's view that such conduct

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must be prevented whenever possible through awareness, robust policies and effective and appropriate follow-up, investigation, and enforcement of the zero tolerance policy.

(b)(6); (b)(7)(C) told the OIG that she witnessed (b)(6); (b)(7)(C) pull up his pant leg to show her his leg. (b)(6); (b)(7)(C) said that (b)(6); (b)(7)(C) proceeded to tell her that "he shaves everything because his wife likes it." (b)(6); (b)(7)(C) told the OIG that the comment made her feel uncomfortable, and she thought it was very odd.

(b)(6); (b)(7)(C) told the OIG that (b)(6); (b)(7)(C) made a racial comment to her at work by saying, "I know that if it's too crazy in there with the union, I know that you'll go black on them." (b)(6); (b)(7)(C) said she was initially surprised by the comment, but she became increasingly angry the more she thought about it.

(b)(6); (b)(7)(C) told the OIG that he was present when (b)(6); (b)(7)(C) made the racial comment to (b)(6); (b)(7)(C) about going "black on them," and he recalled that (b)(6); (b)(7)(C) was upset. According to (b)(6); (b)(7)(C) in a separate conversation while at work, (b)(6); (b)(7)(C) also said that he was really smooth because he shaves his entire body.

(b)(6); (b)(7)(C) told the OIG that (b)(6); (b)(7)(C) said to him while at work, "The difference between you and me is I spit, and you swallow," believed to be a reference to oral sex. (b)(6); (b)(7)(C) said that the comment did not hurt his feelings, but he thought it was odd and inappropriate. (b)(6); (b)(7)(C) also said that he did not recall the context of (b)(6); (b)(7)(C) statement, and he just left the conversation afterwards.

(b)(6); (b)(7)(C) told the OIG that on one occasion, (b)(6); (b)(7)(C) stated in substance that he slept so well that he woke up with extra time to "jack off."

(b)(6); (b)(7)(C) told the OIG that during a conversation with her and (b)(6); (b)(7)(C) said that he had not had sex with his wife in over a year, and he has to masturbate a lot. (b)(6); (b)(7)(C) did not recall (b)(6); (b)(7)(C) specifically saying that he (b)(6); (b)(7)(C) is "the world's best masturbator," but (b)(6); (b)(7)(C) did discuss masturbation during the conversation. During the same conversation, (b)(6); (b)(7)(C) said that he does not like body hair, and he shaves. (b)(6); (b)(7)(C) also recalled (b)(6); (b)(7)(C) saying, "I used to think that women don't belong in prisons." (b)(6); (b)(7)(C) speculated that (b)(6); (b)(7)(C) was referring to women being in positions of authority at the prison.

(b)(6); (b)(7)(C) told the OIG that, while at work and around other BOP staff, he (b)(6); (b)(7)(C) heard (b)(6); (b)(7)(C) make sexual comments. On (b)(6); (b)(7)(C) second day as the warden, (b)(6); (b)(7)(C) recalled (b)(6); (b)(7)(C) saying while in the front lobby, "Well, I got up early, I rubbed one out, and I was still able to get here on time." (b)(6); (b)(7)(C) also recalled hearing (b)(6); (b)(7)(C) say, "Just because I'm in the front lobby getting my dick sucked, doesn't mean you're going to get a promotion."

The OIG reviewed (b)(6); (b)(7)(C) Memorandum for File, dated (b)(6); (b)(7)(C) which documented that (b)(6); (b)(7)(C) met with (b)(6); (b)(7)(C) the week of (b)(6); (b)(7)(C) and confronted (b)(6); (b)(7)(C) about allegations that he made inappropriate sexual remarks about masturbation to staff. According to the memorandum, (b)(6); (b)(7)(C) stated he did not recall his exact words but did admit to saying something about masturbating, in a joking manner, to his staff."

During a voluntary interview with the OIG, (b)(6); (b)(7)(C) denied making any sexual or inappropriate comments to staff, including comments that were sexist, racist, or otherwise inappropriate. (b)(6); (b)(7)(C) specifically denied saying that he "woke up early, I rubbed one out, and still got to work on time." He also denied saying when "I spit you swallow" and saying that he is "the world's best masturbator," calling the later allegation "ridiculous." Finally, he denied saying



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that he is really smooth because he shaves his entire body. However, he said that if someone asked him, he would say that he shaves his arms, head, and legs.

OIG's Conclusion

The OIG investigation concluded that (b)(6); (b)(7)(C) made several inappropriate comments to staff as alleged and his actions violated DOJ and BOP policy, specifically the Department's zero tolerance policy on harassment and BOP Standards of Employee Conduct, Program Statement 3420.11, Attachment A, Part 10. While (b)(6); (b)(7)(C) denied to OIG that he made the alleged inappropriate comments to (b)(6); (b)(7)(C) staff, seven employees told the OIG that they personally witnessed (b)(6); (b)(7)(C) make comments considered sexual, racist, and otherwise inappropriate. In addition, as memorialized in (b)(6); (b)(7)(C) memorandum (b)(6); (b)(7)(C) was confronted about and admitted to having made a statement about masturbation in front of BOP staff. The witness statements were consistent, and the OIG found these witnesses more credible than the denials by (b)(6); (b)(7)(C) who had admitted making such a statement to (b)(6); (b)(7)(C) and generally appeared to lack candor.

(b)(6); (b)(7)(C) False Statements and Lack of Candor to the OIG

During the course of the investigation, the OIG found indications that (b)(6); (b)(7)(C) made false statements and lacked candor during his OIG interview.

Title 18 U.S.C. § 1001 states:

- (a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—
- (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; [or]
 - (2) makes any materially false, fictitious, or fraudulent statement or representation;....

The BOP Standards of Employee Conduct (Program Statement 3420.11) Attachment A – Standard Schedule of Disciplinary Offenses and Penalties, lists under “Nature of Offense”, Para. 34, “[F]alsification, misstatement, exaggeration, or concealment of material fact in connection with employment... any record, investigation, or other proper proceeding.”

Justice Manual 1-4.200 states that “Department employees have a duty to, and shall, cooperate fully with the Office of the Inspector General.” “Lack of candor” is not specifically defined in DOJ policy, but the Merit Systems Protection Board (MSPB), in comparing “lack of candor” to the separate and distinct charge of “falsification,” has defined lack of candor as follows:

Falsification involves an affirmative misrepresentation, and requires intent to deceive. *Naekel v. Dep't of Transp.*, 782 F.2d 975, 977 (Fed. Cir. 1986). Lack of candor, however, is a broader and more flexible concept whose contours and elements depend upon the particular context and conduct involved. It may involve a failure to disclose something that, in the circumstances, should have been disclosed in order to make the given statement accurate and complete. It would be comparable to the distinction in the Federal securities



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laws governing securities registration statements between 'an untrue statement of a material fact' and the failure 'to state a material fact...necessary to make the statements therein not misleading.

Ludlum v. Dep't of Justice, 278 F.3d 1280, 1284 (Fed.Cir.2002).

The OIG reviewed [redacted] Memorandum for File, dated [redacted] which documented that [redacted] met with [redacted] the week of [redacted] and confronted [redacted] about allegations that he made inappropriate sexual remarks about masturbation to staff. According to the memorandum, "[redacted] stated he did not recall his exact words but did admit to saying something about masturbating, in a joking manner, to his staff."

[redacted] told the OIG that she witnessed [redacted] pull up his pant leg to show her his leg. [redacted] said that [redacted] proceeded to tell her that "he shaves everything because his wife likes it." [redacted] told the OIG that the comment made her feel uncomfortable, and she thought it was very odd.

[redacted] told the OIG that [redacted] made a racial comment to her at work by saying, "I know that if it's too crazy in there with the union, I know that you'll go black on them." [redacted] said she was initially surprised by the comment, but she became increasingly angry the more she thought about it.

[redacted] told the OIG that he was present when [redacted] made the racial comment to [redacted] about going "black on them," and he recalled that [redacted] was upset. According to [redacted], in a separate conversation while at work, [redacted] also said that he was really smooth because he shaves his entire body.

[redacted] told the OIG that [redacted] said to him while at work, "The difference between you and me is I spit, and you swallow." [redacted] said that the comment did not hurt his feelings, but he thought it was odd and inappropriate. [redacted] also said that he did not recall the context of [redacted] statement, and he just left the conversation afterwards.

[redacted] told the OIG that on one occasion when [redacted] generally mentioned something about how he slept so well that he woke up with extra time to "jack off."

[redacted] told the OIG that during a conversation with her and [redacted] said that he had not had sex with his wife in over a year, and he has to masturbate a lot. [redacted] did not recall [redacted] specifically saying that he [redacted] is "the world's best masturbator," but [redacted] did discuss masturbation during the conversation. During the same conversation, [redacted] said that he does not like body hair, and he shaves. [redacted] also recalled [redacted] saying, "I used to think that women don't belong in prisons." [redacted] speculated he meant that he was referring to women being in positions of authority at the prison.

[redacted] told the OIG that while at work and around other BOP staff, he [redacted] heard [redacted] make sexual comments. [redacted] recalled being in the front lobby on [redacted] second day as the warden and hearing [redacted] say, "Well, I got up early, I rubbed one out, and I was still able to get here on time." [redacted] also recalled hearing [redacted] say, "Just because I'm in the front lobby getting my dick sucked, doesn't mean you're going to get a promotion."

During a voluntary interview with the OIG, [redacted] denied making any inappropriate comments to staff, including comments that were sexual, racist, or inappropriate, which conflicts with his admission to [redacted] of

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referencing masturbation in a jovial manner to staff. [redacted] denied to the OIG that he made any statements about masturbation.

[redacted]

The U.S. Attorney's Office [redacted] declined prosecution of [redacted]

OIG's Conclusion

The OIG investigation concluded that [redacted] made false statements and demonstrated a lack of candor during his OIG interview, in violation of 18 U.S.C. § 1001, Justice Manual 1-4.200, and BOP Program Statement 3420.11, Attachment A, Para. 34.

OIG concluded [redacted] made false statements because, despite [redacted] denying that he made inappropriate comments to staff members, seven [redacted] staff members told the OIG that they witnessed [redacted] make disrespectful, inappropriate, or obscene comments to staff.

In addition, [redacted] statement to the OIG conflicted with the admissions he previously made to [redacted] which were memorialized in a memorandum, stating [redacted] stated he did not recall his exact words but did admit to saying something about masturbating, in a joking manner, to his staff."

[redacted]

In addition to these specific false statements, the OIG found [redacted] lacked candor during his interview with the OIG. Approximately two months before he denied making inappropriate comments to the OIG on [redacted] [redacted] admitted to making similar comments to the [redacted] during an Institution Character Profile conducted by the [redacted] during the week of [redacted] As the OIG did not know about this admission at the time of [redacted] interview, [redacted] chose not to disclose information that was clearly relevant to



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the OIG investigation. We do not find it credible that (b)(6); (b)(7)(C) could have forgotten his admission in the time between the interview with the (b)(6); (b)(7)(C) and the interview with the OIG.

For both matters, the OIG found the witnesses' accounts consistent and credible. The OIG did not find (b)(6); (b)(7)(C) statements to be credible as numerous other witnesses provided contradicting accounts and the (b)(6); (b)(7)(C) Memorandum contradicted (b)(6); (b)(7)(C) testimony to the OIG.