

PRESS RELEASE

Federal Bureau of Prison Lieutenant Indicted for Civil Rights Violations

Tuesday, November 12, 2024

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Office of Public Affairs

A Federal Bureau of Prisons (FBOP) lieutenant at U.S. Penitentiary (USP) McCreary, in Pine Knot, Kentucky, was indicted last week by a federal grand jury in London, Kentucky, for federal civil rights violations, including violating an individual's rights under the color of law, falsifying records to impede an investigation, and witness tampering.

The indictment alleges that Zachary Toney, 33, while acting under color of law as a USP McCreary lieutenant, repeatedly kicked and struck a victim while the victim was on the ground and handcuffed behind his back, which caused bodily injury to the victim. The indictment further alleges that Toney then wrote a memorandum documenting a false account of his interactions with the victim intended to cover up the unlawful force that he had used against the victim, omitting that he repeatedly kicked and struck the victim and stating that there were no inmate injuries.

The indictment also alleges that Toney, while acting as a lieutenant, instructed three correction officers to write reports omitting the force that they had observed Toney using against the victim.

"The Justice Department's mission is to protect the civil rights of all Americans, including those who are incarcerated," said Deputy Attorney General Lisa Monaco. "As alleged, Lieutenant Zachary Toney assaulted a defenseless person in his custody then tried to cover up that misconduct by falsifying records and tampering with witnesses. These charges make clear we will hold accountable Federal Bureau of Prisons personnel who abuse their positions of authority."

"Correctional officers have an obligation to respect the constitutional rights of the people in their custody and to report honestly on any misconduct," said Assistant Attorney General Kristen Clarke of the Justice Department's Civil Rights Division. "The Justice Department will continue to enforce those obligations in federal as well as state and local facilities."

"We trust Federal Bureau of Prisons employees to foster a safe and humane environment for inmates to serve out their sentences. Instead, this indictment alleges that Toney violently assaulted a defenseless inmate and lied to cover it up," said Inspector General Michael E. Horowitz of the Justice Department. "The Department of Justice Office of the Inspector General will continue to aggressively investigate any FBOP employee who allegedly violates the civil rights of an inmate in their custody and care."

"Ensuring the safety and security of inmates in the custody of the government is critically important," said U.S. Attorney Carlton S. Shier IV for the Eastern District of Kentucky. "We remain committed to ensuring that custody and care is in accordance with the law."

If convicted, Toney faces a maximum penalty of 10 years in prison for the deprivation of rights charge and a maximum penalty of 20 years in prison for each count of the falsification of records charge and witness tampering charges. Upon any conviction, a federal district court judge will determine any sentence after considering the U.S. Sentencing Guidelines and other statutory factors.

The Justice Department's Office of the Inspector General and FBI investigated the case.

Assistant U.S. Attorney Zach Dembo for the Eastern District of Kentucky and Trial Attorney Tara Allison of the Justice Department's Civil Rights Division are prosecuting the case.

FBOP is committed to rooting out misconduct within its ranks and working with law enforcement partners to prosecute violations of federal law. The numerous FBOP employees working diligently to ensure justice for the victims of misconduct are critical to the Department's reform efforts.

Any indictment is merely an allegation. All defendants are presumed innocent until proven guilty beyond a reasonable doubt in a court of law.

[us v toney indictment v.1.pdf](#)

Updated November 12, 2024