



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

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**Management Advisory
Memorandum of Concerns
Identified in the Federal Bureau
of Prisons Time-Sensitive
Reporting Process**



February 10, 2020

MANAGEMENT ADVISORY MEMORANDUM FOR:

KATHLEEN H. SAWYER
DIRECTOR
FEDERAL BUREAU OF PRISONS

A handwritten signature in blue ink, which appears to read "Michael E. Horowitz", is written over the printed name of the Inspector General.

FROM: MICHAEL E. HOROWITZ
INSPECTOR GENERAL

SUBJECT: Notification of Concerns Identified in the Federal Bureau of Prisons Time-Sensitive Reporting Process

The purpose of this memorandum is to advise you of concerns raised during our ongoing investigation of staff at a Federal Bureau of Prisons (BOP) Federal Correctional Institution involving BOP senior managers' compliance with time-sensitive reporting requirements in the BOP General Policy. In our ongoing investigation, we found evidence that a Warden directed an Associate Warden, who was then serving as the Acting Warden in the Warden's absence from the institution, not to report security incidents as required by BOP General Policy, and advised the Associate Warden that the Warden would make the required report when the Warden returned to the institution. We found evidence that the Associate Warden would have reported the security incident within the time frame required by BOP General Policy, but for the Warden's instruction not to do so. Based on statements made by the Warden to the OIG, we are concerned that this may not be an isolated incident but rather a more widespread practice. Therefore, this memorandum provides notification of concerns that we believe require BOP's immediate attention.

BOP Program Statement 3420.11, Employee Standards of Conduct, Section 4, General Policy, requires that BOP employees:

As soon as practicable (but no later than 24 hours) report to their CEO (or other appropriate authority such as the Office of Internal Affairs or the Office of the Inspector General) any violation, appearance of a violation, or attempted violation of these Standards or of any law, rule, or regulation.

BOP General Policy contains even more specific timelines for reporting particular types of alleged misconduct. See, e.g., BOP Program Statement 1210.24, Office of Internal Affairs: "Classification 1 and 2 [allegations against any employee or contractor which involve violations of rules, regulations, or law that, if substantiated, would not likely result in criminal prosecution, but constitute serious misconduct] cases must be reported to OIA immediately." BOP's Office of Internal Affairs (OIA) told the OIG that BOP policy requires an Associate Warden serving as the Acting Warden to report policy violations to the OIA within the timeframes set forth in the BOP General Policy, regardless of how long the Warden is away from the institution.

During our investigation, we uncovered evidence that these BOP reporting policies were violated in connection with an alleged security incident in the Secure Housing Unit of the institution. In addition, the Warden made statements to the OIG that raise concerns that this was not an isolated incident. For example, the Warden told the OIG that if an Acting Warden is serving for a period of up to two weeks, then the practice within the BOP is for the Acting Warden to wait until the Warden returns to the institution, present any reportable information to the Warden, and then leave it to the Warden to report the information as required by BOP policy.

Based on our investigation, we are concerned that there may be a practice among BOP senior managers that violates BOP's reporting policy. Therefore, we recommend that BOP consider how best to immediately reinforce BOP reporting requirements to management and staff agency-wide, and take appropriate steps to address any reporting requirement violations.

If you have any questions or would like to discuss the information in the memorandum, please contact me at (202) 514-3435, or Sarah Lake, Assistant Inspector General for Investigations, at (202) 616-4730.

Attachments

cc: Bradley Weinsheimer
Associate Deputy Attorney General
Department of Justice

David Metcalf
Counsel to the Deputy Attorney General
Department of Justice



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950 Pennsylvania Avenue, NW
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