

Former Federal Correctional Officer Faces Additional Charges Involving Sexual Abuse of Inmates and a Federal Civil Rights Violation

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A federal grand jury issued a superseding indictment yesterday charging former correctional officer Darrell Wayne Smith with 15 counts of sexual abuse, including a civil rights violation, against five female victims who were inmates under his custody and control at Federal Correctional Institution, Dublin (FCI Dublin).

"As alleged, Officer Daryl Smith engaged in appalling criminal acts when he sexually abused those in his care and custody," said Deputy Attorney General Lisa Monaco. "This superseding indictment is the latest product of the Department's ongoing work to seek justice for victims of sexual assault at FCI Dublin. We remain steadfast in our commitment to root out sexual assault within the BOP and hold to account those who so egregiously violate their duty."

The initial federal indictment against Darrell Wayne Smith, 55, now residing in Florida, was filed April 13, 2023, and charged him with engaging in illegal sexual acts with three female inmates while he was employed at FCI Dublin as a correctional officer. That initial indictment charged 12 counts that alleged 12 acts occurring between May 2019 and May 2021 in which Smith engaged in separate sexual conduct with each of the three inmate victims.

The superseding indictment issued yesterday, which supplants the initial indictment, identifies two additional victims and charges 15 counts against Smith. It charges all 12 counts of sexual abuse that were charged in the initial indictment, and adds two new counts of sexual abuse, each involving one of the two additional victims. Each additional victim is described as being an inmate at FCI Dublin who suffered abusive sexual conduct by Smith while under his custodial and disciplinary control. Smith's charged sexual conduct is now alleged to have begun as early as August 2016.

The superseding indictment also adds a third new count that alleges a federal civil rights violation by Smith. The civil rights violation arises from aggravated sexual abuse that Smith is alleged to have engaged in against one of the female inmates.

"Federal prison guards must treat prisoners humanely," said U.S. Attorney Ismail Ramsey for the Northern District of California. "Victimizing inmates sexually and denying them basic civil rights must end. Yesterday's superseding indictment demonstrates my office's commitment to root out such misconduct and prosecute officers who allegedly perpetrate such abuse."

"Yesterday's superseding indictment includes three new allegations of sexual assault by Smith, a Correctional Officer at FCI Dublin," said Justice Department Inspector General Michael E. Horowitz. "The 15 charges against Smith allege he sexually abused multiple inmates over several years, including brazen and violent acts. The Justice Department's Office of the Inspector General (DOJ OIG) is committed to aggressively investigating allegations of abuse at FCI Dublin and across the Federal Bureau of Prisons."

"The defendant's alleged actions are some of the most shocking and disturbing charges we've seen for a former federal corrections officer," said Executive Assistant Director Michael D. Nordwall of the FBI's Criminal, Cyber, Response, and Services Branch. "Sexual abuse scars everyone who survives it, but can be particularly traumatizing when it's perpetrated by someone in a position of trust or authority. The FBI is steadfast in our commitment to defending the civil rights of everyone and investigating anyone who allegedly violates this fundamental protection."

"These allegations of sexual abuse are deeply troubling," said Special Agent in Charge Robert K. Tripp of the FBI San Francisco Field Office. "We are committed to enforcing civil rights statutes and holding accountable those who abuse their positions."

Each of the alleged victims is identified in the superseding indictment by initials only and is alleged to have been in official detention and under Smith's custodial, supervisory, and disciplinary authority at the time of the charged conduct. Each count in the superseding indictment corresponds with one encounter during which Smith allegedly engaged in unlawful sexual acts or contact with one of the victims, except for the newly charged civil rights violation which arises from alleged aggravated sexual abuse also charged in another count.

Smith is now charged with six counts of sexual abuse of a ward, seven counts of abusive sexual contact, one count of aggravated sexual abuse, and one count of deprivation of rights under color of law.

Smith's arraignment on the superseding indictment has not yet been set. However, Smith is currently set to begin jury trial on March 17, 2025, in front of U.S. District Judge Yvonne Gonzalez Rogers for the Northern District of California. If convicted, he faces a maximum penalty of life in prison for each count of aggravated sexual abuse and deprivation of rights under color of law. Additionally, Smith faces a statutory maximum penalty of 15 years in prison for each count of sexual abuse of a ward and a maximum penalty of two years in prison for each count of abusive sexual contact. In addition, as part of any sentence, the court may order a term of supervised release, a fine of up to \$250,000 for each count, restitution, and additional assessments. A federal district court judge will determine any sentence after considering the U.S. Sentencing Guidelines and other statutory factors.

The FBI and DOJ OIG are investigating the case.

Assistant U.S. Attorneys Molly Priedeman and Andrew Paulson for the Northern District of California are prosecuting the case, with the assistance of Kay Konopaske.

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