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DEPARTMENT OF JUSTICE | OFFICE OF THE INSPECTOR GENERAL

REPORT OF INVESTIGATION

SUBJECT		CASE NUMBER	
(b)(6); (b)(7)(C)		2024-002497	
OFFICE CONDUCTING INVESTIGATION		DOJ COMPONENT	
Atlanta Office		Federal Bureau of Prisons	
DISTRIBUTION		STATUS	
☒ Region (b)(6); (b)(7)(C)		☐ OPEN ☐ OPEN PENDING PROSECUTION ☒ CLOSED	
☒ AIGINV		PREVIOUS REPORT SUBMITTED: ☐ YES ☒ NO	
☒ Component BOP		Date of Previous Report:	
☐ USA			
☐ Other			

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 (OIA), alleging that then BOP (b)(6); (b)(7)(C) was involved in a sexual relationship with a subordinate BOP employee, (b)(6); (b)(7)(C).

During the course of the investigation, the OIG found indications that (b)(6); (b)(7)(C) sexually harassed (b)(6); (b)(7)(C).

The OIG investigation substantiated the allegations that (b)(6); (b)(7)(C) had an inappropriate sexual relationship with (b)(6); (b)(7)(C) when he was the Warden of (b)(6); (b)(7)(C) and in her chain of command, in violation of DOJ and BOP policy. The OIG further substantiated that (b)(6); (b)(7)(C) sexually harassed (b)(6); (b)(7)(C) in violation of DOJ and BOP policy.

DATE	(b)(6); (b)(7)(C)	SIGNATURE	(b)(6); (b)(7)(C)	Digitally signed by (b)(6); (b)(7)(C) Date: 2024.08.15 10:52:06 -04'00'
PREPARED BY SPECIAL AGENT				
DATE		SIGNATURE	E-4	Digitally signed by ERIC FEHLMAN Date: 2024.08.15 11:22:07 -04'00'
APPROVED BY SPECIAL AGENT IN CHARGE				

OIG Form III-210/1 (10/31/2023)

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

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

(b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) told the OIG that (b)(6); (b)(7)(C) was involved in an inappropriate relationship with (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) stated that he located a video during his search of (b)(6); (b)(7)(C) personal phone that showed (b)(6); (b)(7)(C) engaged in sexual intercourse with (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) confirmed the information from (b)(6); (b)(7)(C) and asserted that she and (b)(6); (b)(7)(C) were involved in a sexual relationship while (b)(6); (b)(7)(C) was the Warden at (b)(6); (b)(7)(C) and in her chain of command. (b)(6); (b)(7)(C) stated that the sex she had with (b)(6); (b)(7)(C) was consensual. (b)(6); (b)(7)(C) told the OIG that the personal relationship with (b)(6); (b)(7)(C) began around (b)(6); (b)(7)(C) when they began talking to each other more often, and that their relationship became sexual in (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) told the OIG that she had sexual intercourse with (b)(6); (b)(7)(C) on five or six occasions either at (b)(6); (b)(7)(C) home or at a hotel. (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) told the OIG that shortly after she began working at (b)(6); (b)(7)(C), (b)(6); (b)(7)(C), who was her direct supervisor at the time, began to flirt with her. (b)(6); (b)(7)(C) told the OIG that she believed that (b)(6); (b)(7)(C) wanted to pursue an intimate relationship with her. (b)(6); (b)(7)(C) told the OIG that (b)(6); (b)(7)(C) behavior was unwelcome and that she confronted him about it. (b)(6); (b)(7)(C) stated that (b)(6); (b)(7)(C) then stopped flirting with her for a short period of time, but then began flirting with her again. (b)(6); (b)(7)(C) stated that (b)(6); (b)(7)(C) behavior caused her stress at work. (b)(6); (b)(7)(C) denied that (b)(6); (b)(7)(C) ever physically touched her.

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

During (b)(6); (b)(7)(C) compelled OIG interview, he admitted to having a sexual relationship with (b)(6); (b)(7)(C) while he was her superior as the Warden of (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) In addition, (b)(6); (b)(7)(C) admitted to flirting with (b)(6); (b)(7)(C) and wanting a relationship with her while he was (b)(6); (b)(7)(C) superior as the Warden at (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) stated that he could not recall whether (b)(6); (b)(7)(C) reciprocated his advances.

(b)(6); (b)(7)(C) retired from his position with the BOP effective (b)(6); (b)(7)(C).

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

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The OIG has completed its investigation and is providing this report to BOP for its information.

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).

DETAILS OF INVESTIGATION

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Predication

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 (OIA), alleging that then BOP (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) was involved in a sexual relationship with a subordinate BOP employee, (b)(6); (b)(7)(C)

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

During the course of the investigation, the OIG found indications that (b)(6); (b)(7)(C) sexually harassed (b)(6); (b)(7)(C)

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

Investigative Process

The OIG's investigative efforts consisted of the following:

Interviews of the following BOP personnel:

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

Review of the following:

- Video recording of (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C)
- (b)(6); (b)(7)(C) Email Records
- (b)(6); (b)(7)(C) cell phone
- (b)(6); (b)(7)(C) eOPF
- (b)(6); (b)(7)(C)
- (b)(6); (b)(7)(C)
- BOP OIA report

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

Sexual Relationship with a Subordinate

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

The information provided to the OIG alleged that on (b)(6); (b)(7)(C) reported to OIA that (b)(6); was involved in a sexual relationship with (b)(6); (b)(7)(C) who was (b)(6); subordinate.

BOP Program Statement (P.S.) 3420.11 – Standards of Employee Conduct (SOEC), Nature of Offenses, Section 38, subjects BOP employees to discipline for conduct that could lead others to question an employee's impartiality, which is defined to include a sexual or emotional relationship with a subordinate in a supervisor's chain of command.

U.S. Department of Justice, Policy Memorandum #2021-02, related to supervisor/subordinate relationships states in part, "Romantic or intimate relationships between supervisors and subordinate employees have the potential to create significant problems for the workplace..."

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

(b)(6); told the OIG that he noticed in (b)(6); (b)(7)(C) that (b)(6); was spending time with (b)(6); in (b)(6); office. (b)(6); said that he asked (b)(6); why she was spending so much time with (b)(6); and she replied that there was nothing going on between her and (b)(6);. (b)(6); stated that, during a Halloween event, he called (b)(6); to find out her location, and she replied that she was out with (b)(6);. According to (b)(6);, when (b)(6); was asleep on (b)(6); (b)(7)(C), he searched her personal cell phone and saw a video of (b)(6); and (b)(6); having sexual intercourse. (b)(6); said he also viewed a picture of (b)(6); and (b)(6); at a (b)(6); (b)(7)(C) football game. (b)(6); told the OIG that he woke up (b)(6); and confronted her about what he saw on her phone, and (b)(6); admitted that she was involved in a sexual relationship with (b)(6); and she and (b)(6); went to a (b)(6); (b)(7)(C) football game together. According to (b)(6);, (b)(6); admitted she had sex with (b)(6); at (b)(6); (b)(7)(C) residence and at hotels. (b)(6); stated that, after confirming the relationship with (b)(6); he called (b)(6); and confronted him. (b)(6); said he told (b)(6); that he had viewed the video of (b)(6); having sex with (b)(6);. According to (b)(6);, (b)(6); replied, "She said you all were having problems."

(b)(6); told the OIG that she began working at (b)(6); (b)(7)(C) in (b)(6); as a (b)(6); (b)(7)(C) and became a (b)(6); (b)(7)(C) in (b)(6);. (b)(6); confirmed the information told to the OIG by (b)(6);. (b)(6); admitted that she was involved in an intimate relationship with (b)(6); that began around (b)(6); (b)(7)(C). According to (b)(6);, the relationship with (b)(6); was always professional up to and around (b)(6); (b)(7)(C) when she started to talk with (b)(6); more. (b)(6); said she and (b)(6); would talk outside of work and she began to tell (b)(6); about issues she was having with her marriage to (b)(6);. (b)(6); told the OIG the friendship progressed to a sexual relationship in (b)(6); (b)(7)(C). (b)(6); denied that (b)(6); ever forced himself on her sexually and

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stated that she and (b)(6); had consensual sex about five or six times. (b)(6); said that they had sex at (b)(6); residence as well as at hotels. (b)(6); denied that they had any physical contact while on BOP property.

In addition, (b)(6); recalled that (b)(6); probably paid for food items for her when they went out to eat and that (b)(6); paid for the hotel rooms they used for sex. (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C) (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C) (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)

(b)(6); stated during his compelled OIG interview that he was involved in a sexual and romantic relationship with (b)(6); (b)(6); stated he was the Warden at the (b)(6); (b)(7)(C), when he was promoted to (b)(6); (b)(7)(C).² (b)(6); further acknowledged to the OIG that he was aware that having a sexual relationship with a subordinate is a violation of the BOP Standards of Employee Conduct. (b)(6); stated he could not recall the exact timeframe of his romantic and sexual relationship with (b)(6); but acknowledged that it was during the period that he was the Warden at (b)(6); (b)(7)(C), and that (b)(6); was his subordinate. (b)(6); said that around (b)(6); (b)(7)(C), (b)(6); began to tell him about things that (b)(6); was posting online. (b)(6); stated that this led to (b)(6); and (b)(6); speaking more often. (b)(6); said (b)(6); then began to come over to his home when she would be upset about things that were happening at home, which led to the two having a physical sexual relationship. (b)(6); told the OIG after about the third or fourth visit with (b)(6); at his residence, the two kissed and that led to a more intimate relationship. (b)(6); estimated that he had sexual intercourse with (b)(6); more than ten times. (b)(6); denied having sexual relations, kissing, or hand holding with (b)(6); while on BOP property. (b)(6); said he and (b)(6); attended the (b)(6); (b)(7)(C) football game together, although the two did not travel to (b)(6); (b)(7)(C) together. (b)(6); said (b)(6); had a family member who held season tickets for the (b)(6); (b)(7)(C) football game and the two attended a game together. According to (b)(6); he probably paid for food items for (b)(6); while at the game, but he did not pay for any other items. (b)(6); (b)(7)(C)
(b)(6); when he was no longer the Warden (b)(6); (b)(7)(C). Additionally, (b)(6); identified himself in the photo at the (b)(6); (b)(7)(C) football game with (b)(6); (b)(7)(C) and in the video located in (b)(6); cell phone by (b)(6);.

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

OIG's Conclusion

The OIG investigation concluded that (b)(6); engaged in the misconduct as alleged and that his action constituted administrative misconduct in violation of BOP Program Statement (P.S.) 3420.11 – Standards of Employee Conduct (SOEC), Nature of Offenses, Section 38. BOP P.S. 3420.11 subjects BOP employees to discipline for conduct that could lead others to question an employee's impartiality, which is defined to include a sexual or emotional relationship with a subordinate in a supervisor's chain of command.

² While (b)(6); (b)(7)(C), he also told us that he continued to be the Warden (b)(6); (b)(7)(C) (b)(6);.

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The OIG based the conclusion that (b)(6) violated BOP P.S. 3420.11 on the review of a video on (b)(6) phone that showed a sexual relationship between (b)(6) and (b)(6). The OIG also based this conclusion on interviews of (b)(6) and (b)(6) who both admitted that they engaged in a sexual relationship while (b)(6) was in (b)(6) chain of command.

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

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(b)(6) told the OIG that her relationship with (b)(6) was always professional up to and around (b)(6), when she started to talk with (b)(6) more. (b)(6) said she and (b)(6) would talk outside of work and she began to tell (b)(6) about issues she was having with her marriage to (b)(6). (b)(6) told the OIG the friendship progressed to a sexual relationship in (b)(6); (b)(7)(C).

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

(b)(6); (b)(7)(C) told the OIG that (b)(6) called her around (b)(6); (b)(7)(C) and reported that (b)(6) was having an affair with (b)(6); (b)(6); (b)(7)(C). (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) denied having any knowledge that (b)(6) was involved in an inappropriate relationship with a subordinate (b)(6); (b)(7)(C).

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

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

As summarized above, (b)(6); (b)(7)(C) told the OIG that he was involved in a romantic sexual relationship with (b)(6); (b)(7)(C) that started around (b)(6); (b)(7)(C), but he did not recall the precise date that their romantic sexual relationship began. According to (b)(6); (b)(7)(C), (b)(6); (b)(7)(C) was in the position of (b)(6); (b)(7)(C) when he first arrived at (b)(6); (b)(7)(C), and (b)(6); (b)(7)(C) was in the same position when he left for the (b)(6); (b)(7)(C) around (b)(6); (b)(7)(C). (b)(6); (b)(7)(C)

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

(b)(6); (b)(7)(C) Sexual Harassment of (b)(6); (b)(7)(C)

During the course of the investigation, the OIG found indications that (b)(6); (b)(7)(C) sexually harassed (b)(6); (b)(7)(C) while she was a (b)(6); (b)(7)(C).

BOP Program Statement (P.S.) 3420.11 – Standards of Employee Conduct (SOEC), Nature of Offenses, Section 38, subjects BOP employees to discipline for conduct that could lead others to question an employee's impartiality, which is defined to include a sexual or emotional relationship with a subordinate in a supervisor's chain of command.

Attorney General Policy Memorandum #2015-4 – Prevention of Harassment in the Workplace, 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 affiliation, or any other impermissible factor.... Harassing

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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. The Department will not wait for a pattern of offensive conduct to emerge before addressing claims of harassment. Rather, the Department will act before the harassing conduct is so pervasive and offensive as to constitute a hostile environment. 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 must be prevented whenever possible through awareness, robust policies and effective and appropriate follow-up, investigation, and enforcement of the zero-tolerance policy.

The Department reiterated this zero-tolerance policy specifically with respect to sexual harassment in the Memorandum for Heads of Department Components: "Sexual Harassment and Sexual Misconduct," dated April 30, 2018, which states:

"'Sexual harassment' refers to unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature 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, whether such activity is carried out by a supervisor or by a co-worker. This could include such workplace conduct as displaying "pinup" calendars or sexually demeaning pictures, telling sexually oriented jokes, making sexually offensive remarks, engaging in unwanted sexual teasing, subjecting another employee to pressure for dates, sexual advances, or unwelcome touching. Sexual harassment occurs when employment decisions affecting an employee, such as hiring, firing, promotions, awards, transfers or disciplinary actions, result from submission to or rejection of unwelcome sexual conduct. Title VII of the Civil Rights Act of 1964 generally prohibits sexual harassment.³ It is the Department's policy to treat harassing conduct as misconduct, even if it does not rise to the level of harassment actionable under Title VII. The Department will not wait for a pattern of offensive conduct to emerge before addressing claims of harassment. Rather, the Department will act before the harassing conduct is so pervasive and offensive as to constitute a hostile environment."

(b)(6); (b)(7)(C) told the OIG, during the course of our investigation, that (b)(6); (b)(7)(C) informed him that (b)(6); (b)(7)(C) had made inappropriate flirtatious comments to (b)(6); (b)(7)(C) while she was the (b)(6); (b)(7)(C) at (b)(6); (b)(7)(C), and he was the Warden.

(b)(6); (b)(7)(C) told the OIG that she was an (b)(6); (b)(7)(C) at (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) further stated that she directly reported to (b)(6); (b)(7)(C), who was at the time the Warden at (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) stated that shortly after she started working at (b)(6); (b)(7)(C), (b)(6); (b)(7)(C) started flirting with her. According to (b)(6); (b)(7)(C), (b)(6); (b)(7)(C) sent her flirtatious text messages, stating, "Hey Beautiful" or calling her sweetie. (b)(6); (b)(7)(C) also told her on one or two occasions that he wanted to kiss her. (b)(6); (b)(7)(C) stated that (b)(6); (b)(7)(C) comments progressed to (b)(6); (b)(7)(C) telling her that

³ Title VII of the Civil Rights Act, as implemented by 29 C.F.R. § 1604.11, provides: "Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."

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he had feelings for her and that he missed her at times when he was away traveling for work. (b)(6); (b)(7)(C) told the OIG that, around (b)(6); (b)(7)(C), after a few months of (b)(6); flirtatious behavior, she informed (b)(6); that his behavior was annoying her and that she wanted it to stop. (b)(6); stated she informed (b)(6); (b)(7)(C) that she was not interested in him romantically. (b)(6); said she did not know how to handle the situation because of (b)(6); (b)(7)(C) position of authority over her. (b)(6); (b)(7)(C) stated that, after she informed (b)(6); that his behavior was not welcome, (b)(6); apologized and discontinued the behavior for a short period of time; however, he then reengaged in the harassing behavior. (b)(6); (b)(7)(C) stated that, although (b)(6); never propositioned her for sex or touched her in a sexual manner, she felt pressure from (b)(6); due to not giving him what he wanted. (b)(6); recalled that (b)(6); behavior caused her stress at work. According to (b)(6);, she never formally reported (b)(6); to anyone at the BOP, but in (b)(6); (b)(6); she informally spoke with (b)(6); about (b)(6); harassing behavior.

An OIG review of text messages provided by (b)(6); corroborated her statements and showed that (b)(6); sent (b)(6); inappropriate text messages. On (b)(6); (b)(7)(C), during the time period that (b)(6); was Warden at (b)(6); (b)(6); (b)(7)(C) and (b)(6); directly reported to him, (b)(6); wrote to (b)(6);, "Hey there Beautiful" and "I'm doing well Sweetie." (b)(6); (b)(7)(C) told the OIG that after this text message, (b)(6); behavior toward her became "more aggressive."

During (b)(6); (b)(7)(C) compelled OIG interview, he acknowledged that he sent (b)(6); (b)(7)(C) flirtatious text messages. (b)(6); (b)(7)(C) stated he did not recall whether (b)(6); (b)(7)(C) reciprocated his flirtation. (b)(6); (b)(7)(C) also stated that he informed (b)(6); that he was open to having a romantic relationship with her while he served as her Warden at (b)(6); (b)(7)(C). (b)(6); denied that he had any physical sexual contact with (b)(6);.

OIG's Conclusion

The OIG investigation concluded that (b)(6); (b)(7)(C) engaged in the misconduct as alleged, and his actions constituted administrative misconduct in violation of BOP PS 3411.20, Standards of Employee Conduct, as well as the DOJ's zero tolerance policy against workplace harassment, including sexual harassment, as embodied in Attorney General Policy Memorandum #2015-4 – Prevention of Harassment in the Workplace, dated October 9, 2015, and the Memorandum for Heads of Department Components: "Sexual Harassment and Sexual Misconduct," dated April 30, 2018.

The OIG based these conclusions on a review of text messages between (b)(6); and (b)(6); (b)(7)(C) where (b)(6); sent flirtatious text messages to (b)(6);. The OIG also based this conclusion on interviews of (b)(6); (b)(7)(C), (b)(6); (b)(7)(C), and (b)(6);. Specifically, (b)(6); stated that (b)(6); repeatedly made flirtatious comments to her, told her he wanted to kiss her, and expressed an interest in having a romantic relationship with her while he was her supervisor, and that this behavior continued even after (b)(6); told (b)(6); she was not interested in him romantically and wanted the behavior to stop. In addition, (b)(6); admitted during his compelled OIG interview that he sent flirtatious messages to (b)(6); and expressed an interest in having a romantic relationship with her while he was her supervisor. We found that this behavior by (b)(6); constituted unwelcome sexual advances within the meaning of the Department's zero tolerance policy and also constituted conduct that could lead others to question an employee's impartiality based on a sexual or emotional relationship with a subordinate, in violation of BOP P.S. 3420.11. In addition, (b)(6); (b)(7)(C) told the OIG that (b)(6); behavior caused her stress at work and that she felt pressure due to (b)(6); position of authority over her. Based on this testimony, we further concluded that (b)(6); unwelcome behavior unreasonably interfered with (b)(6); work performance and created an intimidating, hostile, and offensive work environment.