

**Comments to the Office of the Special Counsel**

**Reference OSC File Number DI-23-000261**

**from [REDACTED], Case Manager, FDC Miami**

Officials of the Department of Justice (DOJ), Federal Bureau of Prisons (BOP), Federal Detention Center, Miami, Florida, (FDC Miami), have engaged in conduct which constituted a violation of law, rule, or regulation, gross mismanagement, a gross waste of funds, and an abuse of authority. This not only jeopardized public safety, and exposed inmates to unnecessary health risks, but also a gross waste of taxpayer funding. This information is a snapshot of what I observed as patterns occurring at FDC Miami from 2020-2023.

It is to be noted that the Bureau of Prisons Special Agent investigators and Special Investigative agents are not Federal Criminal Investigative Series 1811 investigators. They do not receive the same training as entities with similar titles (see BOP SIA and BOP SA for job classification and requirements). For example, the FBI or OIG have Special Agent Criminal Investigators of the 1811 series. This investigation was not thorough, and some evidence was either incorrect within the summary or were significant oversights that were overlooked as all the information was sent via e-mail to the BOP Internal Affairs e-mail address box over a period of time starting August 2021.

**FDC Miami officials have routinely fail to process inmate applications and referrals for BOP programs in a timely manner:**

- Based on FY 2020 data, the average annual COIF for a Federal inmate in a Federal facility in FY 2020 was \$39, 158.00 (\$120.59 per day). The average annual COIF for a Federal inmate in a Residential Reentry Center (also known as Community Corrections Centers) for FY 2020 was \$35, 663 (\$97.44 per day) – Ken Hyle, Assistant Director/General Counsel, Federal Bureau of Prisons.
- It is the mission of the Bureau of Prisons to prepare inmates for release upon the start of incarceration.

**Examples are below of what I am aware of from my caseload. I would project there were a total of 50 from 2021-2022 years not done properly:**

**1. INM1**

UMN2 was being trained by UNM1 on screening inmates for Residential Reentry Center Placement (RRC). She did not have appropriate senior case manager experience to make executive decisions reference inmate halfway house placements. She never attended the MSTC to receive appropriate training for her position. I have been screening inmates since 2018 for RRC placement and I attended case manager intense specific training. INM1 was an elderly vulnerable inmate that had COVID-19 risk factors. UMN2 ignored his referral, failing to safeguard a vulnerable inmate and submitted him for a transfer to a minimum-security camp, which would have required him to travel on a bus 3 hours north to this camp with the risk of being exposed to and contracting COVID-19. Upon arrival at the minimum-security camp and having to interact and be received at a new facility (COVID-19 exposures), INM1 was immediately referred and released on home confinement. UMN2's assessment of "not being a good candidate" was proved as being incorrect. UMN2 ignored guidance provided by BOP's own legal office,

instructing her to sign and submit the referral; hence, UMN2's decision making was a liability for the agency.

## **2. INM2**

I never told BOP Internal Affairs investigators this inmate was referred exclusively for home confinement. He was also referred for Residential Reentry Center (RRC) Placement via the Second Chance Act Law. This is one example of an oversight within this investigation. Due to this inmate receiving an incident report; that was later expunged, UMN1 refused to process an essential piece of this referral. UMN1 put in writing, which was submitted to BOP Internal affairs, he is refusing to process this inmate's paperwork. He even went as far to let it sit on his desk as it was routed to Unit Management. I had to redo the paperwork as it ended up "missing". CMC1 processed the paperwork immediately. UMN1 ignored this paperwork, because it appeared his intention, was to wait for the inmate to immediate release from receiving First Step Act credits. UMN1 did this to "save his time", however it is his primary job to provide programming opportunities to inmates prior to release for public safety and rehabilitation. This inmate missed out on the opportunity of being able to program for 30 days prior to his release back into the community, which could have increased his chance of a successful reentry.

## **3. INM3**

I never told BOP Internal Affairs investigators this inmate was referred exclusively for home confinement. He was also referred for Residential Reentry Center (RRC) Placement via the Second Chance Act Law. This is one example of an oversight within this investigation. This is another example of an oversight within this investigation. On December 17, 2022, the Residential Reentry Manager (RRM) requested clarification about a juvenile charge for a homeless inmate with an unknown disposition on his Presentence Investigation Report completed by Federal Probation. CMC-0 instructed me that records clear all charges to include juvenile not the case managers (CMC-0's orders were not 100% correct, but I followed instructions). Records indicated they do not check for juvenile charges. UMN1 advised me not to worry about the disposition reference juvenile charges. CMC-0 advised that all pending charges need to be cleared through records. I cleared the inmate due to SCS1 not clearing juvenile charges. This case was reported to Warden1 in email correspondence due to UMN1 and UMN2 failing to delegate duties properly causing this inmate to be released homeless without being accepted to a halfway house. This wasted government funds (reduces cost of incarceration), put public safety at risk due to the higher the risk of recidivism for this inmate by obstructing him from programming at a halfway house, and UMN1 and UMN2 misconduct related due to the inmate having a discipline report while at FDC Miami.

## **4. INM4.0**

INM4.0 was diagnosed with AIDS, and this was confirmed with FDC Miami MedicalOfficer1 as it was important to know when screening the inmate for COVID-19 risk factors. After multiple follow up attempts via e-mail, phone call etc. to UMN1, UMN2, and CMC-0, 8 months later during COVID-19, when FDC Miami was on high alert, for the inmate to be released to home confinement, due to UMN1, UMN2, and CMC-0's failure to process the referral timely.

**5. INM5.0**

During COVID-19 spikes, INM5.0 should have transferred directly to the RRC as he was within timelines; however, transferred to a lower custody to FDC Miami. This transfer consisted of exposing him to COVID-19 on a bus with multiple inmates for 3-4 hours. In addition, entering a new facility and being exposed to multiple staff during screenings. INM5.0 had no discipline history and over 10 years of incarceration without a break. As soon as he arrived to FDC Miami he contracted COVID-19 and/or tested positive for COVID-19. I submitted a referral for Residential Reentry Placement and after he was done with his quarantine period, he transferred to the halfway house. The transfer was a waste of government funds, unnecessarily exposed this inmate to COVID-19, which he obviously had risk factors and the memo was disregarded by the previous institution and the oversight was not caught by FDC Miami officials prior to the transfer happening.

**6. INM6.0**

INM6.0 had over 600+ First Step act credits applied towards his release date due to his risk of recidivism lowering. UMN1 and UNM2 delayed his paperwork, causing this inmate to utilize mental health services and ended up threatening to do a hunger strike.

**7. INM7.0**

INM7.0, with a time sensitive referral and his RRC referral sat in UMN2's inbox for a week to be reviewed. The referrals have to route through several staff members and if each staff member took a week, that can delay the referral for weeks even months.

**8. INM8.0**

This inmate was initially screened without having pending charges. Upon receiving this inmate on my caseload, I screened the inmate and in fact he had pending charges. This derived from UMN1 and UNM2 not training CSW2 properly causing this homeless inmate with Judicial Recommendations for RRC placement to almost miss being referred for RRC placement. I received this inmate's release packet prior to his halfway house referral being submitted. This was misconduct related by UNM1 and UNM2 as it was not appropriate.

**9. INM9**

It took Medical Officer 1 from November 3, 2023, through November 22, 2023, to provide the information if an inmate had risk factors for COVID-19. He in fact did and after I screened him, he met criteria to be referred for the Cares Act Home Confinement consideration. INM7.0 transferred to CSW2's caseload and was not referred. UNM1 and UNM2 were informed, and I passed on this information.

**10. INM10**

Was never submitted for RRC placement and ignored by management. He was on my caseload; however, transferred to CSW2's caseload.

**11. INM11**

Residential Reentry Center Referral Paperwork was delayed due to UNM1 and UNM2 leaving the packet in the queue during my unexpected work absence due to an injury.

**12. INM12**

I made multiple requests to MedicalOfficer1 in order to obtain covid-19 risk factors for INM12. INM12 was transferred to a minimum security camp, prior to this inmate being referred via Cares Act memorandum guidance. Similar to IMN1 (see INM1).

**13. INM13 through INM16**

Inmate had probation relocations pending, however, were not completed for months by UNM1 or UNM2. I passed these on when I had double caseloads, and another case manager was hired.

**14. INM17 through INM24**

Residential Reentry Center Referral Paperwork was delayed and took over a month plus to route completely for signatures from all departments. This potentially reduced the amount of halfway house placement time (waste of government funds).

**15. INM25**

While having time sensitive Residential Reentry Referrals pending signatures, UNM1 and/or UNM2 made a special effort to request additional RRC time against the INM25's referrals. This inmate ultimately was charged with a Disciplinary Escape as he was released too soon against his referral time. It is unknown why UNM1 or UNM2 would have approved this and avoided notifying the case manager and it is common practice to notify the case manager about halfway house date changes.

**16. INM26**

INM26's a piece of Residential Reentry Referral paperwork was delayed 3 months after his recommended referral date from his program reviews. Instead of focusing on getting INM26 the recommended time, UNM1 and/or UNM2 made a special effort to request additional RRC time for INM25 against the INM25's referrals.

**17. INM27 through INM29**

Inmates had pending charges, but upon receiving the information their charges were resolved were referred for Residential Reentry Center placement. This caused delays with obtaining halfway house dates (waste of government funds).

**18. INM30 and INM31**

While Residential Reentry Center Referrals were being delayed increasing the daily cost of incarceration, Warden1 directed social furloughs to be processed for INM30 and INM31 (2 female inmates) to walk to Brickell Shops (a tourist area across from FDC Miami consisting of restaurants, bars, hotels and tourists shops), that ultimately were denied by US Federal probation. It was noted by the investigating Federal US Probation officer, INM31 being considered daughter did not know why her mother planned on going to the Brickell shops. Warden1 (Executive Management) made an extraordinary effort to push haveJing INM30 and INM31 furlough to Brickell Shops even after US Probation supervisors and investigators denied INM30 and INM31 these furlough requests. Further, Warden1 authorized AWSec1 permission to fill out the furlough paperwork for probation (out of her scope of work) and sign as a Unit Team official.

**19. INM32**

INM32 received a disciplinary report and lost 60 days of time of his halfway house time which was not the issue. The issue is UMN1 was not managing this appropriately. Another inmate, who had the same discipline history as a comparator lost 30 days of his time. When I reported the error and that I fixed it to UNM1, he became angry and informed me I should not have fixed it.

NOTE: INM32 was gay.

**In conclusion:**

If \$120 per day is the average daily cost to incarcerate an inmate, every day an inmate overstays their incarceration, can easily total to thousands of dollars.

UMN2 has made comments reference that some inmates are “dead” to her. This is jargon, for that a specific inmate will not exist to her and will be ignored.

It is to be noted FDC Miami has had an unusually large number of inmate deaths, which psychology staff have concluded were due to FDC Miami being an Administrative Federal Institution and inmate programming is lacking throughout the institution.

When I met with BOP internal affairs to provide my statement, I was instructed to provide 3 inmate examples of the worst cases where Residential Reentry Referrals were not processed according to law and policies. I reported approximately 25 cases and potentially 50 total cases. Each case is different and had different circumstances as I described in this response and should be investigated. I reported via many e-mails to BOP internal affairs and it is unknown if each one was investigated or the outcome. Therefore, it is difficult to which cases would be the worst.

I witnessed and testified that UMN1 and UNM2 at FDC Miami, obstructed and ignored the Second Chance Act of 2007, signed into law April 9, 2008, (superseding BOP Program Statement 7310.04 dated December 16, 1998), a violation of law, rule, or regulation, gross mismanagement, a gross waste of funds, and an abuse of authority. This caused the average daily rate of incarceration to rise at FDC Miami, by multiple sentenced inmates sentenced to serve their time at FDC Miami, who met criteria to be referred for reentry programs were intentionally not referred or had referrals delayed purportedly by FDC Miami management (i.e. Residential Reentry Center (RRC), the Cares Act Coronavirus Aid, Relief, and Economic Safety Act signed into law on March 27, 2020 home confinement, the home confinement criteria and guidance memorandums, the elderly care home confinement program, etc.).

UMN1 and UNM2 abused authority, by retaliating against certain classifications of inmates and ignoring factual criteria, when processing program referrals.

UNM1 and UNM2's last priority is reentry of inmates at FDC Miami. UNM1 directed me to process Second Chance Act Residential Reentry referrals last and informed me it was not important.

UMN1 and UMN2 retaliated against inmates with disciplinary histories by delaying Residential Reentry referral paperwork or not referring them at all due to their own personal bias. UNM1 and UNM2 abused their authority as they are not Federal Judges, never were Federal Judges by sentencing inmates to further punishment instead of focusing on inmate programming even when inmates are screened and meet criteria for programs.

According to BOP OIA, UMN1, UNM2 and CMC1 were referred for disciplinary actions. However, AW1, AW2, Warden1 (executive staff) failed to supervise their first- and second-line managers (UNM1, UNM2, and CMC1) at FDC Miami. SECPS1 (regional programming) failed to oversee inmate programming and Unit Team program review information/documents for accuracy.

They were courtesy copied on emails due to the executive staff being within my chain of command for questionable orders and correctional sound judgement questions from me.

#### **BOP OIA's Conclusion:**

BIO OIA's conclusion did not reveal sufficient evidence UM1, UM2 or any other FDC Miami employee failed to complete or submit Home Confinement Referrals or Residential Referrals pursuant to the cares act in a timely manner. This is yet another oversight in the investigation by BOP OIA, as this conclusion focuses on Cares Act referrals only. Second Chance Act of 2007, signed into law April 9, 2008, (superseding BOP Program Statement 7310.04 dated December 16, 1998), the elderly care home confinement program, etc.) and correctional judgment based on common sense and executive decision making was ignored.

I attached to this response Chairman Russell's Memorandum, reference Independent Investigations and Employee Discipline at the Bureau of Prisons, dated January 2, 2019.

**Program Statement 5140.42, Transfer of Offenders to or From Foreign Countries.** Directs staff to provide the inmate with an opportunity to inquire about transfer to the country of which the inmate is a citizen or national. The inmate indicates on a Transfer Inquiry (BP-A0297) that he/she was advised of the opportunity to inquire about transfer, and whether he/she is, or is not, interested in being transferred. The initial Application Packet must be forwarded to the Assistant Administrator, Correctional Programs Branch, within 60 calendar days of the inmate's initial request.

This section of the investigation was accurate; however, UNM1, UNM2, and CMC1 are all equally responsible. All UNM1 and UNM2 delayed the documents for approximately 5 inmates, due to the dates being past policy guidelines and did not want to process them late. Therefore, I received post-it notes on these documents instructing me to change the dates to avoid date timing and stamping these instructions in e-mail correspondence. CMC1 was the only management official who put this in an e-mail. UNM2 even put in my mailbox signed multiple BP297 forms, but left the date blank after I already submitted the paperwork with the true dates (I scanned and emailed copies to BOP OIA) as an attempt for me to sign and postdate the documents for her to appear compliant.

**Incorrect information was provided within the BOP OIA investigation to OSC reference dates associated with BOP Program Statement 5325.07, Release Preparation Program and the investigation was incomplete for this section.**

Not only did UNM1 falsify these dates, after I corrected the information in the system, he ordered me via email in writing to change them back to the dates he had them, which were falsified. I provided BOP OIA

with 4 inmate examples. UNM1 according to the Sentry database system, identified UMN1 as the person who keyed inmates as completing RPP programs therefore, their status would change from RPP NEEDS to RPP PART in order to give them credit as per program review. UNM1 made up dates and the dates he declared as when the inmate completed the programs did not match their signed admission and orientation paperwork dates, which was both signed by the inmate and staff. In addition, I knew the dates were inconsistent due to when they were keyed on the inmate's educational transcript. These all had different dates that did not correlate with the paperwork in the central files. BOP OIA only held UMN1 accountable for 1 inmate. However, it was 3 total inmates and I provided BOP OIA the paperwork and information time and date stamped in the system in addition as to UMN1 ordering me to falsify programming dates via email.

**According to BOP OIA it was determined to hold two managers accountable for conspiring to falsify dates to appear within program review guidelines. However, CMC1, UMN1, and UMN2 are all equally responsible for attempting to coerce staff under their supervision to falsify dates.**

Unfortunately, this is a common practice to conceal inadequate training and staffing by changing inmate programming dates by FDC Miami officials to appear as they pass the program review standards. This is both a disservice to the public, dishonesty, and a disregard for public safety.

**Examples include:**

1. Central Inmate Monitoring System form BP340 paperwork was consistently backdated by UNM1 to appear compliant with program reviews and BOP 5180.05 Central Inmate Monitoring System Program Statement. I have emailed BOP OIA this documentation.
2. UMN1 lowered a category in my quarterly employee evaluation due to me refusing to falsify a programming date.
3. UMN2 attempted to pressure me to falsify dates on team documents, by teams being late due to her oversights in my reasonable accommodations during my light duty period. She lowered a category in my quarterly employee evaluation due to me refusing to falsify a programming date.
4. UMN1 trained me upon my arrival to FDC Miami to not worry about the program review team classification dates as I could at my convenience meet with inmates for inmate classification meetings and back date the dates to according to BOP program statement P5322.13, Inmate Classification and Program Review. This is a common practice and I have many rosters of staff who practice this. When UMN1 was confronted with this, he stated to me he doesn't tell his staff what to do. Program Review dates. According to P5322.13, Inmate Classification and Program Review, it indicates timelines for these dates, this is to ensure proper custody levels and programming for reentry. Program review guidelines are strict on these timelines. Staff would hold these program review, days even weeks past the deadlines and back date these documents.
5. By inmate programming being ignored and dates being falsified, is not only against BOP ethics code of conduct policy violations, but violations of law, public safety and increased the safety hazards within FDC Miami.
6. I attended a meeting with other Unit Team staff on July 27, 2022. Officials to include UMN1 and UMN2 and Case Managers were advised by CMC-0 there should be no reason programming dates should be late since the documents "were on paper". This was reported to the BOP Office of Internal Affairs by the Local 501 union. It is unknown whether an investigation was completed or the outcome. I personally was not asked to provide an affidavit in reference to the OIA referral and I was directly affected.

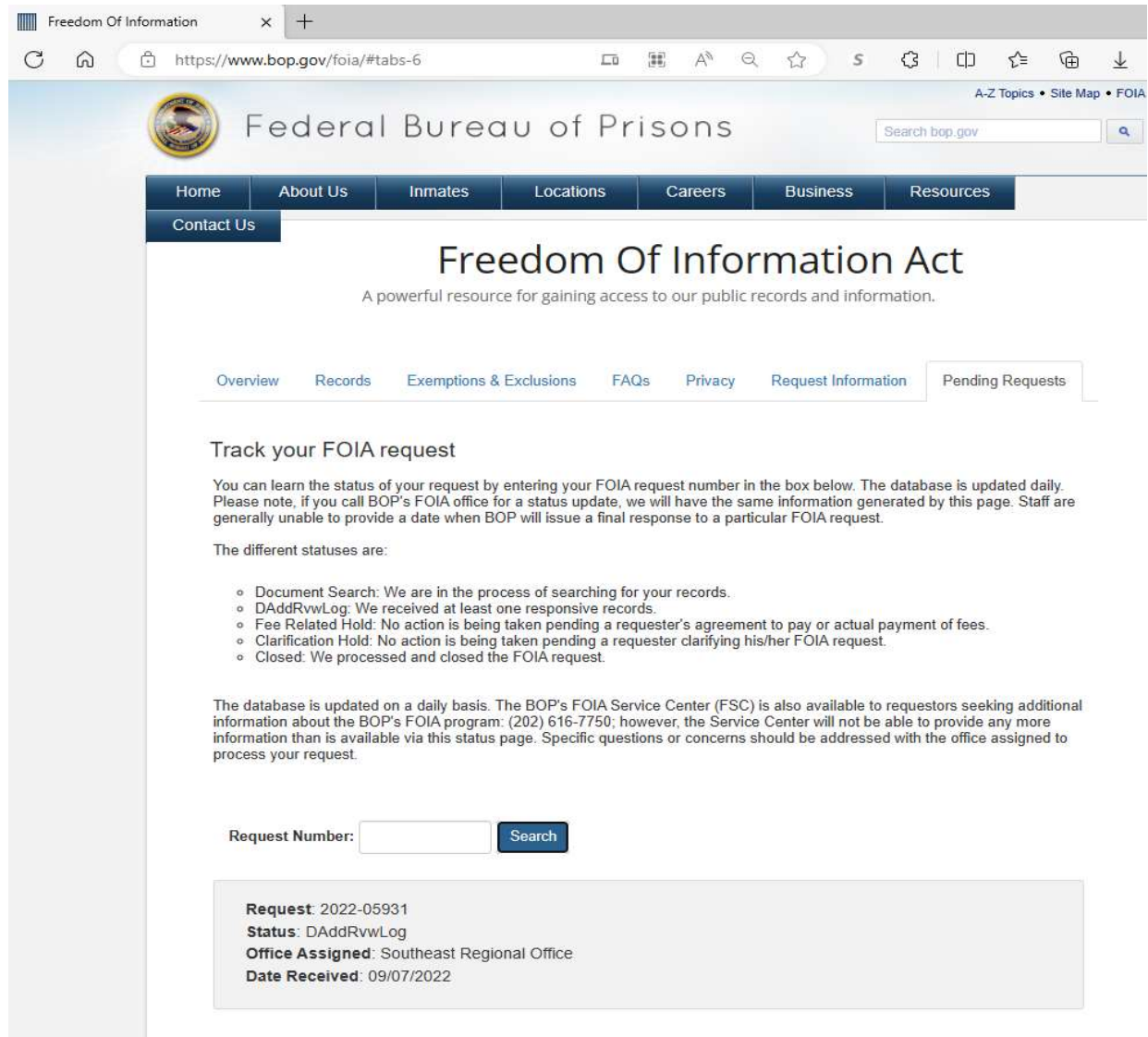
7. Backdating when inmates are received into the facility as designated inmates. This caused programming to be late and CMC1 attempted to “trick” me by stating in an e-mail with the roster titled, Late/Missed Teams. I had provided the Sentry database proof to CMC1, the inmate was not keyed in the system properly, therefore, did not show as due for any program review classification.

**FDC Miami officials have misinformed inmates during the Admissions and Orientation (A&O) process as to the availability of select BOP programs.**

When UMN1 was conducting Admissions and Orientation, I received reports from inmates who stated to me that they were told FDC Miami does not do Treaty Transfer paperwork. I reported this for investigation.

It is most disturbing after witnessing and reporting this abusive conduct over the 3 years of being at FDC Miami these managers are still in their positions as trusted Public Safety Law Enforcement Officials, have been promoted to executive staff positions, and/or are acting in executive staff positions (Duty Officer, Associate Warden). It is very concerning these staff members are Federal Law Enforcement Officers in leadership positions and are “mentoring” subordinate staff. They are in the position of authority to directly affect inmate programming, which affects the daily incarceration cost of incarceration, reentry services, and staff safety. I have requested Freedom of Information Act (FOIA) records pertaining to management awards at FDC Miami on September 7, 2022. I have made several follow-up requests. I have yet to receive this information and it is August 23, 2023. It is believed these managers facing disciplinary action have received pay step increases, promotions, and awards for wasting government funds (daily cost of incarceration): <https://www.bop.gov/foia/#tabs-6> , Request Number: **2022-05931**.





Freedom Of Information

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Request Number:

**Request:** 2022-05931

**Status:** DAddRvwLog

**Office Assigned:** Southeast Regional Office

**Date Received:** 09/07/2022

I have experienced various forms of retaliation for this whistleblowing from FDC Miami management, and I was harassed by these managers to include not being offered office supplies, that created a significant adverse impact on the agency's ability to accomplish its mission. I also, was assigned 2-3 times the amount of caseload as any other case manager at the Bureau of Prisons against former BOP Director Carvajals inmate to case manager ratio, which should have been delegated evenly with other staff members by UNM1 and UNM2 at FDC Miami. I was denied annual leave by UMN2 for family related events for nonwork related reasons. I was discriminated against when I was recovering from a work-related injury with delayed continuation of pay, and I had the same medical restriction as another staff member. However, he was accommodated to be back at work, but I was denied. I found this out when we were assigned to the same work area months later. This created many of my responsibilities to not be delegated as AW1, UMN1 and UNM2 was waiting for me to return to work but prevented me from returning to work to manage my assigned caseload.

I reported the reprisal to the Office of the Special Counsel.

Public safety, and many persons were affected due to management at FDC Miami not being held accountable and corrective action not taken immediately for these violations.

Law Enforcement Officers must maintain credibility to remain in their positions, this is a public trust and a liability for any law enforcement agency. See case precedence on Law Enforcement Officers, Giglio v. United States, 405 U.S. 150 (1972) for examples.

The Office of the Inspector General should complete a 2<sup>nd</sup> review of the BOP OIAs findings for these matters in this OSC referral.