

November 4, 2010

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CC: Public dissemination approved

Ref: OSC File No. DI-09-3013
Personal Response to Agency Investigation

This document is my response to the completed investigation into events which transpired at the Federal Correctional Institution (F.C.I.) at Talladega, Alabama, during my assignment at that facility as the Captain from February, 2007, until October, 2009; events which I reported, in writing, to the Office of the Inspector General (O.I.G.) on September 3, 2009. This response is intended to be read in conjunction with my original submission.

Although my response must, initially, deal specifically with the events accepted for investigation, my response would be incomplete were I to not address the failure of this investigation, and all other inquiries into the events which transpired at F.C.I. Talladega, to review the issues in their entirety. Following my response to the specific allegations accepted, I will, in a subsequent section (titled Systemic Failure), address my frustration with the myriad failures of the systems designed to protect me, my family, my career, the staff at F.C.I. Talladega, and the community-at-large from abuse by a government executive.

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ACCEPTED ALLEGATIONS:

Five allegations were accepted for investigation from the 85-page document I submitted to the Office of the Inspector General on September 3, 2009. The accepted allegations are that 'BOP Officials' engaged in behavior related to:

- (1) inequitable use of force against inmates,
- (2) withholding clothing and bedding items from inmates,
- (3) failure to provide food and medication to inmates,
- (4) failure to provide showers and recreation to inmates, and
- (5) failure to control items believed to be a security hazard.

The investigator found insufficient evidence was found to sustain Allegations 1, 2 and 5. Sufficient evidence was found in Allegation 3 to sustain charges of Failure to Follow Policy against Warden Reese, Associate Warden Joseph Savidge and Lt. / Acting Captain Greg Smith. Sufficient evidence was found in Allegation #4 to sustain charges of Failure to Provide Medication and Food against Warden Reese and a charge of Falsification of Documents against Officer Michael Formentini.

I am not an attorney. I do not pretend to be an attorney. However, here, at the beginning of my response, I wish to make clear that I fail to understand how the investigator arrived at the conclusion that Warden Reese's violations of federal law could or should be relegated to a simple case of misconduct. In my interpretation, a sustained violation of federal law is a criminal act.

ALLEGATION #1

That Warden Constance Reese was biased in the manner / method in which she authorized force to be used against inmates.

This response is directly related to the incident to be discussed as Allegation #4. The time period for this allegation is specifically that time period from Warden Reese's arrival at F.C.I. Talladega in February, 2008, until roughly December of that same year. The investigator's own statistics indicate during this time period that:

- 55% of the inmate population at F.C.I. Talladega were African-American.
- 44% of the inmate population at F.C.I. Talladega were Caucasian.

Yet:

- 71% of authorized calculated use of force instances were against Caucasian inmates, and
- 29% of authorized calculated use of force instances were against African-American inmates.

It can not be argued that these numbers constitute a balanced response. While the Caucasian population constituted a smaller segment of the population than the African-American population, more than twice as many use of force incidents were authorized against Caucasian inmates.

Following the event in September, 2008, in which Warden Reese denied food, medications and services to the inmate population housed in the Special Housing Unit, she began to defer to the input of Associate Warden Becky Clay, a former Captain, in making decisions regarding use of force. Associate Warden Clay frequently solicited my active involvement in those instances where use of force was required and authorized, despite my having been relieved of duties.

After being forced to acknowledge the failure of the tactic of denying food to inmates as a behavioral control method, not to mention the legality, Warden Reese acquiesced to accepting input from Associate Warden Clay. At that point, and only at that point, the percentages of use of force incidents began to more closely conform to the racial makeup of the institution. Warden Reese's unrealistic restrictions on using force to control inmate behavior, complicated by her absolute lack of functional knowledge of use of force policy, requirements and associated equipment, were discontinued at that point. Both Associate Warden Clay and Associate Warden Savidge indicated in this investigation that Warden Reese had 'relatively little experience dealing with disruptive inmates'. At that time, Warden Reese had been a Warden for more than a decade, serving in that capacity at four different institutions. All staff are required to receive

annual

training in the Use of Force Policy. There can be no justification for the Chief Executive Officer of a Federal Correctional Facility to have no knowledge of Use of Force policy other than gross indifference. Inexperience is hardly a sufficient justification for Warden Reese who had served more than twenty five years in the agency at that time.

ALLEGATION #2:

That on February 15, 2009, Warden Reese ordered two Caucasian inmates to be placed into cells without appropriate clothing or bedding for an extended period of time.

Warden Reese's indication that she 'could not specifically recall an incident during which bedding would have been withheld from an inmate', is convenient given that her order to deny basic items to the inmates was never documented. It was delivered verbally to the on-duty shift lieutenant, Lt. Deneen Turner, who relayed this information to the relieving Lieutenant, Lt. James Preston. Lt. Preston adhered to this order he felt was given in good faith from the Chief Executive Officer, Warden Reese.

ALLEGATION #3:

That, on February 13, 2009, Warden Reese ordered a large number of Minimum Security inmates to be placed in a locked-down unit (administrative detention) and for their extended stay in this unit, the inmates were denied showers, recreation and other amenities required by law.

This allegation was sustained. Warden Reese, having retired, is free from consequences from her actions. Associate Warden Savidge has been held accountable but his account of the events is not accurate. Mr. Savidge's often repeated failure was his inability to address pressing issues with Warden Reese. He had witnessed Warden Reese's lengthy verbal thrashings of staff, frequently going on for hours and usually directed at me. He clearly had no desire to be the focal point of one of these personal attacks and, as a result, he would rarely address significant issues with the Warden. His indication that he ordered the Captain to not pay overtime to adequately staff the unit was solely the result of his reluctance to broach the subject with Warden Reese.

Irregardless, Warden Reese was the Chief Executive Officer. She ordered the activation of the unit. She, as a Warden for many years, can not justify her lack of knowledge into the requirements for staffing a Special Housing Unit in a manner sufficient to meet the needs of the inmates housed therein. Her management style created the reluctance of staff to directly and honestly advise her of the complications arising from her decisions.

The conclusion of the investigator that sufficient evidence to sustain charges against Acting Captain / Lieutenant Greg Smith can not be justified. Lt. Smith assumed the duties of Acting Captain in my absence, beginning October, 2008, until the arrival of Captain William Davis in late 2009. For the duration of my relief from duties, Lt. Smith was classified on the daily assignment roster as Acting Captain while I remained on assignment as the Captain, despite being denied the ability to perform any facet of my official duties. Despite holding the position of Acting Captain for more than a year, with all the attendant duties, to include being on a 24 hour a day on-call status, he was never compensated for these responsibilities. Lt. Smith did the best he could to perform the duties of his assigned post without being provided the authority to perform same.

ALLEGATION #4:

That, on September 22 and 23, 2008, Warden Reese denied three consecutive meals to the entire population of the Special Housing Unit as a response to the disruptive behavior on one inmate.

This allegation was sustained. Warden Reese indicated she 'could not understand nor explain why force was not used until 2:00 p.m. to resolve the security breach'.

After at least four conversations between Warden Reese and I, via telephone, she authorized a use of force on inmate Cross at approximately 10:00 p.m. on September 22, 2008. The inmate had placed his arm through his food slot and refused to remove it. All of the inmates in the unit had, as yet, not received the evening meal. Several hours earlier, Warden Reese instructed me to have the inmate informed that no inmate would be provided the meal until he complied with orders to clear the food slot. I repeatedly advised her to grant authorization for the use of force. Ultimately, she gave the authorization and instructed me to report to the institution to personally supervise the event. Following the calculated use of force on inmate Cross, inmate Coleman blocked the food slot to his assigned cell with his arm when staff attempted to pass the evening meal. I informed her by telephone, in the presence of Operations Lieutenant Jeff Hamm, and, again, recommended the use of force team technique be utilized to gain the inmate's compliance. Warden Reese denied the authorization for a use of force and ordered the food carts, containing the meals for all the inmates housed in the unit, to be removed from the unit.

Warden Reese's statement that 'she could not understand nor explain why force was not used until 2:00 p.m. to resolve the security breach' is ludicrous. She was repeatedly informed by me of the details of the events as they transpired. She insisted the inmate would comply. She specifically indicated 'peer pressure' would work to gain the inmate's cooperation.

In an affidavit provided to an E.E.O. Investigator surrounding these events, Warden Reese was asked if I had any OI (Office of Internal Affairs) investigations based on issues at Talladega. She indicated there were two, one involving a pair of tennis shoes and another involving the inmates in the Special Management Unit. Regarding the second issue she stated, "Well, apparently, an inmate submitted a request, sent a request to Internal Affairs. And again, when Internal Affairs asked questions about it, I informed them of what happened. I mean, it wasn't the Captain's fault. It wasn't anybody's fault."

This event was reported, by me, to the Office of Special Counsel, in February, 2009. There were no consequences.

This event was reported, by me, in June, 2009, to the South East Regional Office Special Investigative Supervisor, Mr. Bryan Behrens. Mr. Behrens reports directly to R.E. Holt, the South East Regional Director. There were no consequences.

This event was reported, by me, to the Equal Employment Opportunity Commission. There were no consequences.

This event was reported, by me, to the South East Regional Director and the Director of the Federal Bureau of Prisons, R.E. Holt and Harley Lappin, respectively, at the same time it was reported to the Office of the Inspector General (September, 2009). It has now been investigated and, despite Warden Reese's assertion to the contrary, that 'It wasn't anybody's fault.', Warden Reese has been found culpable. It was her fault. It was her decision. As indicated, I submitted my document to the Office of the Inspector General on September 3, 2009. Regional Director Holt met with Warden Reese in her office at F.C.I. Talladega for an extended period on September 4, 2009. On September 29, via e-mail, Warden Reese announced her retirement. Warden Reese's retirement became effective in December, 2009, and this investigation was concluded months after that date. There have yet to be, and apparently will not be, any consequences to Warden Reese.

ALLEGATION #5:

That, in December, 2008, Warden Reese authorized the use of Christmas Lights on the institution's units, slow-down fences, and other areas of the institution in violation of Bureau of Prisons policy.

The following is an excerpt from the Correctional Procedures Manual (P.S. 5500.12, Chapter 2, Page 7):

4. *All low security level facilities and above, are to establish procedures for the control of:*
 - a. *ladders,*
 - b. *extension cords,*
 - c. *chains,*
 - d. *ropes, and*
 - e. *hoses.*

All extension cords will be inventoried and have a metal identification tag attached, indicating issue number (by location) and length of the cord. All extension cords in excess of 10 feet will be classified as Class A tools.

Each of the above items must be kept in the approved storage location when not in use.

The following is an excerpt from the F.C.I. Talladega, Institution Supplement titled "TOOL CONTROL" (I.S. 5500.12.2C dated 03-09-09)

All extension cords & water hoses will be inventoried and have a metal identification tag attached, indicating issue number (by location) and length of the cord. All extension cords & water hoses in excess of (10) feet will be classified as Class A tools.

An extension cord is defined as: An Electric Cord having a standard plug at one end and a standard electric jack at the other. A strand of Christmas lights is an electric cord having a standard plug on one end and a standard electric jack at the other. The only difference is the addition of lights to the Christmas Lights. Both have the same basic hardware which define an extension cord. The subject matter expert utilized to provide an opinion, Mr. Strada, was disingenuous in his desire to be non-committal in his response.

As Captain, it was my responsibility to advise the Warden of this discrepancy. I had no

opportunity to provide counsel against this action as I had already been relieved of duties and placed in my alternative office.

Warden Reese stated, “She did not view the holiday lights as a security hazard and did not believe they were a threat to the security of the institution.” Warden Reese also felt it was appropriate to deny food to inmates to gain their voluntary cooperation.

I have worked a number of institutions. I have seen many and varied methods of decorating institutions for the Christmas season. I have seen decorations made from paper, to include newspapers and cigarette packs, and other extraneous items. I have never heard of a Warden not only placing electric Christmas Lights inside a secure facility but authorizing the purchase of these same lights with government funds. I challenge anyone to find another executive officer, other than Mr. Strada, in the agency who feels this is appropriate. I recommend the solicitation of another ‘subject matter expert’.

SYSTEMIC FAILURE:

Warden Reese's management and decisions were unsound, unsafe and unjustified. Associate Warden Savidge's inaction, largely a result of his hesitance to raise issues with Warden Reese, made him ineffective and an accomplice to her failures. Director Lappin's and Regional Director Holt's inability to address Warden Reese's many failures, made them accessories before the fact.

I am compelled to discuss my frustration with the extremely narrow focus of the investigation and its failure to address the issues in their entirety. No investigation has yet been made, two years after I was relieved of duties and more than a year since I submitted the original packet to the O.I.G., into the issues that I raised in my informal grievance, formal grievance, submissions to Equal Employment Opportunity Commission (E.E.O.C.) or the Office of Special Counsel (O.S.C.). I am referring, specifically, to the following issues:

1. The preferential treatment, in the form of assignments, access to Executive Staff, and protection from consequences for poor performance and/or misconduct, granted to African-American staff, most frequently African-American female staff.

Primarily, but not exclusively, I am referring to the preferential treatment of Special Investigative Agent Cynthia Thompson, Lt. Deneen Turner, Lt. Vernessa Williams, and Senior Officer Specialist Henrietta Curry-Simmons by Wardens Darryl Drew and Constance Reese.

Ms. Thompson's continued failure to perform her duties as the Special Investigative Agent have now led to the insistence of agency officials that she accept her retirement. Her failure to provide timely responses to simple investigations has negatively effected the careers of scores of staff. This could only have been allowed to happen with the extraordinary protection of a series of Wardens, all African-American, and the Regional Director, also African-American. Her failures were routinely reported to these executive staff by the Office of Internal Affairs Officer responsible for the F.C.I. Talladega investigative case load, Mr. Robert Stock.

Lt. Deneen Turner was permitted to abuse the E.E.O. process to overturn decisions, dictate her work schedule and work load, and select her desired assignments. She is now pending disciplinary action in a case in which she struck a restrained inmate. She has maintained her position (Lieutenant) and

institution access, unlike me, as she awaits the outcome of the investigation.

Lt. Vernessa Williams actively solicited information from inmates to obtain vague allegations of misconduct on my part. After submitting the referrals for investigation, she, the individual posting the charge, was then assigned by Warden Reese to conduct the investigation. My subordinate, with a clear 'axe to grind', was allowed to not only bring charges against me, but then investigate the same charges. Additionally, charges for assaulting another inmate against the inmate informant who provided the basis of the charges against me were dropped by Lt. Williams, presumably in exchange for his testimony against me. She conducted a slovenly investigation that proved nothing, yet this same investigation was used by Warden Reese to justify my relief from duties.

Correctional Officer Henrietta Curry-Simmons manipulated Warden Reese's pre-conceived notion of the inherent racism of Caucasian males to manipulate a legitimate charge of Absent Without Leave into an instance in which she was compensated for not being at work.

I wish to eliminate any potential misunderstanding. Warden Constance Reese is a racist. Her actions towards me were discriminatory. Warden Constance Reese, Special Investigative Agent Cynthia Thompson, Lt. Deneen Turner, Lt. Vernessa Williams, and Senior Officer Specialist Henrietta Curry-Simmons are all African-American females. I am a Caucasian male.

2. The failure of the executive staff of the Federal Bureau of Prisons, specifically, Director Harley Lappin, Regional Director R.E. Holt, Associate Warden Joseph Savidge, and Associate Warden Becky Clay, to intervene or act to put an end to the abhorrent conduct of Warden Reese.

Each of these staff members was either directly aware of Warden Reese's poor management and decisions through direct observation or through notification which I made personally.

The agency's executive staff are doubly responsible due to their failure to act to curtail Warden Reese's actions after a previous incident involving convicted Border Patrol agent / inmate Ignacio Ramos. The government settled the case with inmate Ramos, and President Bush granted Ramos and his co-defendant, Jose Compean, commuted sentences, largely due to the inefficacy of Warden Reese. Instead of being sanctioned, she was merely transferred to the Federal Correctional Institution at Talladega, Alabama, where her incompetence, insecurity, and racism was permitted to effect me personally.

3. The absolute failure of the grievance process, both formal and informal, granted to

management staff in the Bureau of Prisons.

The system's sole function has become a process designed to protect the executive staff from consequences of their actions or inaction. Staff attempting to utilize the established grievance procedures, typically decline to continue to pursue remedy due to the complicated, cumbersome and slow process. In the case of incompetent managers, this process only perpetuates the careers of incompetent staff whose daily decisions impact the safety of staff and inmates, the security of the institution and the safety of the general public.

The grievance process is also rife with requirements for timely submissions by aggrieved parties but the agency is in no way encumbered with any requirement to respond to grievants in a timely manner. This, again, perpetuates or allows the incompetent decisions of unqualified managers to continue without abeyance.

I have and continue to work extremely hard to seek resolution of this case but more importantly to ensure that no other staff member is ever forced to endure the circumstances I faced. I have appealed for assistance in every conceivable format without satisfaction.

I submitted an informal grievance directly to Warden Reese. The response indicated Warden Reese's action were merely a function of her right to assign staff.

I submitted a request for action, based on prohibited personnel practices, to the Office of Special Counsel (O.S.C.). The O.S.C. concurred that Warden Reese had the right to assign and dismissed my request for action.

In Regional Director Holt's written response to my formal grievance to him, (signed and dated July 20, 2009) he indicated my response was 'untimely', and informed me, in writing, that I had no further right to administrative remedy even though the situation I was grieving, my relief from duties, was still on-going. On that same date, I was instructed to call him, and, over the phone, he offered me an agency-paid transfer to the Federal Correctional Complex, in Terre Haute, IN, as a Lieutenant. This transfer was a portion of the resolution I requested in my formal grievance. Therefore, on the same day he denied my request for transfer in writing, he granted it to me over the telephone. I do not believe, for a moment, there was any thing altruistic about his granting this transfer.

My grievance to the Equal Employment Opportunity Commission was closed by Emilio Tio, E.E.O.C. Counselor, after I accepted the transfer. He indicated the acceptance of the transfer made my E.E.O. grievance 'mute' (as opposed to moot).

Following my submission to the O.I.G., despite Mr. Tio's assertion that my case was over, I was contacted by Mr. Wayne Stephens, a contract E.E.O. investigator, informing me he had been retained to investigate my E.E.O. Complaint. An investigation was conducted and the case was ultimately referred for a hearing.

On August 26, 2010, immediately after receiving the Report of Investigation from the O.I.G., I was contacted by the attorney representing the agency for this hearing, Ms. Alicia Daniels-Lewis. She inquired with me about a potential settlement of the case. I submitted my response to her on September 7, 2010. I have, as of the date of this report, fifty-three days later, received no further contact from Ms. Daniels-Lewis. No attempt has been made by the agency to meet the time lines established by the Administrative Judge assigned to the case.

4. The absolute failure and misuse of the investigative process.
 - a. S.I.A. Thompson and Lt. Williams, with the concurrence of Warden Reese, initiated the investigations against me and performed the initial investigations. As I indicated in my submission to the O.I.G., this is a blatant misuse of the investigative process to achieve a desired end; in this case, my removal from the position of Captain at F.C.I. Talladega.

S.I.A. Thompson and Lt. Williams, both enjoyed the full faith and support of Warden Reese, misused their position and authority by submitting a number of referrals for investigation against me. Their actions were a blatant attempt to see me disciplined or removed from my position. They attempted to make the allegations appear more serious based on an accumulation of unrelated incidents spread out over an extended period of time. This is a denial of due process which would afford me progressive discipline in unrelated cases. (FMCS 08-00539 Suspension Grievance of Jason Leichtman)
 - b. In my response to the disciplinary action for the above-mentioned charge, I pointed out several shortcomings in the investigation, investigative process and documentation of the investigation. These were never addressed. A sub-standard investigation was utilized to justify an action against me.
 - c. On November 13, 2008, I submitted an affidavit to Mr. Behrens regarding the charge that I "Provided an Item of Value to an Inmate". He informed me my admission that I provided a pair of used tennis shoes to an inmate was the only justification for sustaining the case.

- 1) One hundred and ninety-five days later (May 27, 2009), I received a disciplinary action proposal letter which recommended I receive a 7-day suspension for my actions in this instance.
- 2) Two hundred and seventy days after providing my affidavit regarding this event, which occurred in the spring of 2008, and seventy-five days after receiving my disciplinary action proposal letter (August 10, 2009), I was notified I was to serve a one-day suspension.
- 3) In the interim, I was asked to perform virtually no duties.

Numerous cases have been presented before the Federal Mediation and Conciliation Service in which disciplinary actions have been overturned as a result of the failure of the agency to provide staff with timely due process. My case was not complicated and the delay can not be justified.

I was not interviewed or asked to provide an affidavit regarding the second case used to justify my relief from duties until two hundred and thirty-nine days (June 24, 2009) after my relief from duties. The case was not sustained; in fact, it was immediately dropped.

The misconduct I was accused of can not sufficiently justify my relief from duties.

- d. Also on June 24, 2009, Mr. Behrens asked me to provide an affidavit regarding an allegation by an inmate that the inmates in the Special Housing Unit at F.C.I. Talladega, AL, had been denied food for an extended period of time (Allegation #4). I had previously made the Office of Special Counsel aware of this event. I provided Mr. Behrens with an affidavit on that date informing him that Warden Constance Reese, despite my frequently stated objections, had ordered the inmates in the Special Housing Unit to be denied meals. If an investigation was done, it did not conclude that Warden Reese's actions were inappropriate as no consequences of the event in which the inmates were denied meals ever occurred. If an investigation was not done, all of the parties involved, from Mr. Behrens to Regional Director Holt, are guilty of a blatant failure to report a violation of federal law on the part of Warden Reese.

Now, the investigation into this event, conducted by the Office of the Inspector General, has concluded that, had Warden Reese not retired from the agency in December, 2009, disciplinary action against her for her actions / decisions in this instance would be appropriate. This investigation should have included either:

- 1) a synopsis of the conclusions of the previous investigation into these events, conducted by Mr. Behrens,
- 2) an explanation into the reason(s) Mr. Behrens investigation failed to reach the same conclusions as the investigation completed by the investigator from the Office of the Inspector General, or,
- 3) if the events, as described in my affidavit and investigated by Mr. Behrens, were not referred for investigation to the Office of Internal Affairs, an explanation of the failure to refer the information for investigation and a referral for investigation, for Failure to Report, against Mr. Behrens and his supervisor, Mr. R.E. Holt.

Warden Reese, an executive staff member of the Bureau of Prisons and a Senior Executive Service government employee, was protected from consequences of her actions in this instance by either the submission of a shoddy investigation, approved by Regional Director Holt, or the failure to submit a referral for investigation to the Office of Internal Affairs (O.I.A.) regarding her actions in this case.

5. The failure of the staff evaluation process.

Despite having received three 'Letters of Counseling', I received no negative performance log entries. During my tenure at F.C.I. Talladega, I received numerous awards, to include Supervisor of the Quarter.

On April 23, 2009, I received my annual performance appraisal. The appraisal provided a positive rating of my performance with a rating of 'Fully Successful'. The rating was not signed by my immediate supervisor, Mr. Savidge. Warden Reese's signature was the only signature present.

The staff evaluation process in the agency is very specific to prevent misuse of the system for the purpose of derailing the careers and aspirations of agency employees and to prevent unnecessary expense, in the form of litigation and transfers.

NO aspect to the staff performance evaluation protocols, as established in the agency's policy titled, "Human Resources Manual" was followed by Warden Reese or Associate Warden Savidge.

No documented performance failures on my part can be utilized to justify my relief from duties.

6. The absolute lack of consideration for me, my career or my family, not to mention agency policy, federal law and logic, in the decisions, made by Warden Constance Reese, supported by Regional Director Holt, and carried out by Associate Warden Joseph Savidge; which precluded me, not only from doing my own job, but any job, for a period five days short of a calendar year.

This was unfair, unjustified, ridiculous in light of the need for staff with experience dealing with High Security inmates, and a fiscal aberration.

7. The gross misuse and abuse of the agency disciplinary process, an abuse that is perpetuated throughout the agency, in which executive staff members discard subordinate staff, as opposed to training them.

If, as the agency alleges, the purpose of disciplinary action is to correct or improve employee behavior, not to punish an employee, no purpose was served by relieving me from the duties for which I was legally and meritoriously selected. I was given no opportunity to correct or improve my behavior.

In effect, Warden Reese, by relieving me of duties, had already made an example of me, for all staff to see, of what the consequences could be for failing to conform to her style of management. From October 29, 2008, until October 25, 2009, I reported to an office, outside the secure perimeter of the facility. The office had no heating and no air conditioning. In the space where an air conditioner should have been present, there was a hole, covered with an expanded metal cage, open to the elements. I was given virtually no duties for that entire calendar year.

No legitimate review could consider that I was not being punished beginning with my relief from duties. This punishment was exacerbated by her absolute refusal to include me in any departmental responsibilities or to perform any legitimate tasks.

Warden Reese indicates that she informed an Associate Warden (E.E.O. affidavit dated February 23, 2010), "You know what. He can go back to being Captain, and he apparently told the Associate Warden that he would not go back to being Captain. So he submitted that request on his own, not me, because I never asked him to do that." Warden Reese NEVER informed me she was considering returning me to my assigned position. At one point, Associate Warden Clay informed me that Warden Reese was considering returning me to my position but no offer to return was ever formally presented to me by anyone.

My request for transfer came after her series of transgressions and was a request submitted under duress in the interests of my family, my health and my future

career.

CONCLUSION:

The local union chapter, in March, 2009, submitted a letter to the Alabama legislature, which specifically indicated that Warden Reese's decisions and actions were negatively impacting the safety and security of staff, inmates and the general public. The union also noted as part of their congressional grievance that Warden Reese actions in relieving me were a further transgression.

Prior to Warden Reese's arrival at F.C.I. Talladega, Associate Warden Savidge sent me an e-mail he had gotten from a retired agency employee, a former Senior Executive Service Warden. He stated that his 'friend' had told him that Warden Reese was 'dumber than a sled dog'. I submit this as a character reference on Mr. Savidge, not Warden Reese.

I submitted my report to the Office of the Inspector General after being informed, by Associate Warden Becky Clay, that Warden Reese had provided an inmate with a pair of reading glasses. This action is similar to my actions in providing an inmate with a used pair of shoes; with the following notable exceptions. .

- I was relieved of duties (from October 29, 2008 until August 17, 2009) for the duration of the period utilized to complete the investigation into my providing the inmate the shoes; an act I admitted in an affidavit on November 13, 2008.
- Warden Reese's duty was uninterrupted. Her actions, to my knowledge, were not investigated.
- I provided the inmate with a pair of shoes from a stockpile of abandoned inmate apparel.
- Warden Reese obtained a pair of prescription glasses, not prescribed to the inmate who received them, from the Health Services Department and provided them to the inmate against the counsel of the Health Services Administrator, Ms. Babs Alley.
- I provided a pair of shoes to an inmate as his own shoes were damaged in the course of duties assigned to him in the performance of his job.
- Warden Reese provided the glasses to the inmate in exchange for the promise, from this frequently assaultive and disruptive Maximum Security inmate, that he would conform.
- I was suspended by Warden Reese, without pay, for one day, for providing the inmate with a pair of shoes.
- Warden Reese, to my knowledge, has received no sanction.

I specifically asked Associate Warden Clay 'what her angle was' in advising me of Warden Reese's actions, she stated, simply, "Fuck the bitch." Clearly, Associate Warden Clay also suffered negative impact from Warden Reese's management and decisions. On more than one occasion, I heard Associate Warden Clay assert that Warden Reese needed "serious psychological help".

Many of Warden Constance Reese's decisions and actions dramatically and negatively impacted

me and the staff and inmates at the Federal Correctional Institution at Talladega, Alabama. Since several of her decisions have been shown in the O.I.G. investigation, and in my initial submission and response, to be less than exemplary, it is reasonable to conclude that her actions and decisions with regards to my relief from duties and subsequent disciplinary action are also outside the guidelines of law, policy, and common sense.

This document is not intended to duplicate the contents of my submission to the Office of the Inspector General. It is, however, intended to be read in conjunction with that document which, in great detail, describes the decisions and actions of Warden Reese and the impact of those decisions on the staff and inmates at F.C.I. Talladega, Alabama. .

On October 22, 2010, Director Harley Lappin put out his annual 'Message from the Director', titled 'Guiding Principles of Affirmative Employment and Equal Employment Opportunity in the Bureau of Prisons'. In that document, he states;

“Workplace harassment (sexual and non-sexual), discrimination, and workplace violence will not be tolerated. All allegations will be promptly, thoroughly, and impartially investigated. Where allegations are substantiated, immediate and appropriate corrective action will be taken.”

I categorically challenge this statement. There has been nothing prompt, thorough or impartial about the agency's response to the issues I have put forward. More than two years have passed since I was relieved of duties. None of the reviews considered the allegations in their entirety, earning the right to be described as thorough. Finally, given that the responses to my submissions are filtered through the same people who are directly responsible for allowing this events to occur, impartiality can not be claimed.

I firmly believe that, if the race roles were reversed, if I were an African-American department head, filing these same allegations against a Caucasian Warden, this case would have had a different ending. Had a Caucasian Warden allowed and encouraged the Caucasian subordinates of an African-American department head to ignore directives, evaluations and assignments from that department head, immediate and appropriate corrective action would have been taken.

The principles of equal employment opportunity, barring harassment and discrimination, apply to all employees, regardless of race, religion, color, sex, national origin, parental status, age, disability, sexual orientation, genetic information, prior EEO activity, or any other non-merit factor. I am a 47 year old Caucasian male, married, father of two daughters. Among the department heads at F.C.I. Talladega, Alabama, I was distinctly among the minority. I have a responsibility to uphold these principles; I have a right to be protected by them.

Respectfully Submitted;

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