



# BUREAU OF PRISONS

## Strategic Approach Needed to Prevent and Address Employee Misconduct

Report to Congressional Requesters

September 2025

GAO-25-107339

United States Government Accountability Office

Accessible Version

# GAO Highlights

BUREAU OF PRISONS

## Strategic Approach Needed to Prevent and Address Employee Misconduct

GAO-25-107339  
September 2025

A report to congressional requesters.  
For more information, contact: Gretta L. Goodwin at [GoodwinG@gao.gov](mailto:GoodwinG@gao.gov)

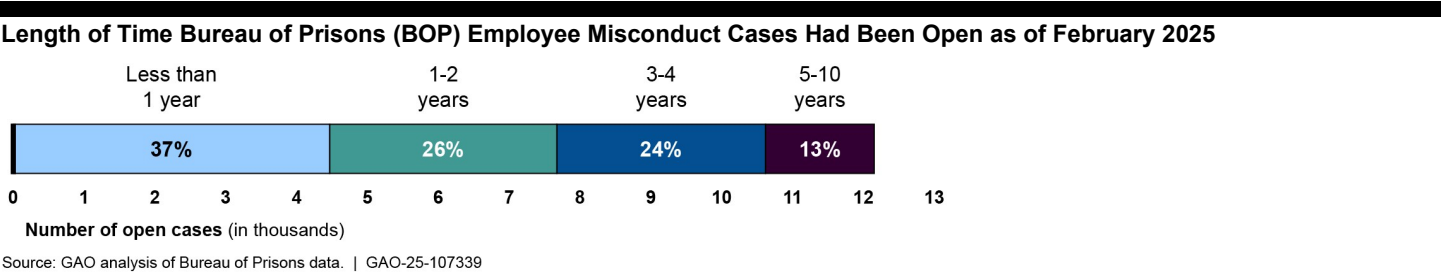
### What GAO Found

The Bureau of Prisons (BOP) has policies and procedures on employee misconduct but has not fully communicated them. In June 2024, BOP updated its *Standards of Employee Conduct* and provides ongoing training on these standards. However, BOP is not sharing and using feedback from employees on the training, which is inconsistent with leading practices. Doing so would better position BOP to improve the training’s design, delivery, and overall effectiveness in preventing employee misconduct.

Additionally, BOP uses orientation handbooks and signs posted in facilities to inform incarcerated individuals how to report certain employee misconduct. However, the handbooks and signs discuss sexual misconduct rather than a broader range of allegations, such as contraband and physical abuse. Developing a communication strategy to fully inform incarcerated individuals about employee misconduct offenses that affect their health and safety could increase awareness about the standards BOP is trying to uphold and help ensure facility safety and employee accountability.

Further, BOP has not fully incorporated data analysis and planning into how it manages employee misconduct. For example, BOP collects employee misconduct data but does not assess these data to identify trends in misconduct across more than 2 years. By developing and implementing an approach to routinely and fully assess employee misconduct data over more than 2 years, BOP could better focus its efforts to prevent and address misconduct.

BOP increased staff and took other steps to reduce its employee misconduct caseload, but about 37 percent of the 12,153 cases open as of February 2025 had been unresolved for 3 years or longer. BOP’s approach to investigating and disciplining employee misconduct does not include establishing milestones or designating responsibilities to key officials. Implementing a comprehensive plan with these elements would help BOP allocate the resources necessary for investigating and disciplining employee misconduct cases, achieve desired results, and enhance safety and efficiency.



**Accessible Data for Length of Time Bureau of Prisons (BOP) Employee Misconduct Cases Had Been Open as of February 2025**

| Length of time   | Number of open cases | Percentage |
|------------------|----------------------|------------|
| Less than 1 Year | 4,466                | 37%        |
| 1 - 2 Years      | 3,208                | 26%        |
| 3 - 4 years      | 2,943                | 24%        |
| 5-10 Years       | 1,536                | 13%        |

Source: GAO analysis of Bureau of Prisons data. | GAO-25-107339

Note: Includes cases reported from October 2013 through February 2025 that remained open as of February 27, 2025, when BOP retrieved the data from its system. While BOP’s Office of Internal Affairs investigates most cases, a small number are investigated by the Department of Justice, Office of the Inspector General or another body, such as the Federal Bureau of Investigation.

**Why GAO Did This Study**

Each year, BOP receives and investigates thousands of employee misconduct allegations. These include sexual abuse of incarcerated individuals, unprofessional conduct, and failure to follow policy. The Department of Justice’s (DOJ) Office of the Inspector General (OIG) reported that BOP’s operational challenges have resulted in lengthy investigations and backlogged cases.

GAO was asked to review BOP’s efforts to prevent and address employee misconduct. This report examines (1) the extent to which BOP has established and communicated policies and procedures on employee misconduct and (2) the extent to which BOP has incorporated data analysis and planning into misconduct management, among other issues.

GAO analyzed BOP policy and data from October 2013 through February 2025 and interviewed BOP officials. GAO also interviewed staff and incarcerated individuals from three BOP complexes, selected in part to represent a variety of locations.

**What GAO Recommends**

GAO is making eight recommendations to BOP, including the following:

- Develop an approach for sharing and using employee feedback on relevant training.
- Develop a communication strategy to fully inform incarcerated individuals about employee misconduct offenses that affect their health and safety.
- Routinely and fully assess misconduct data to identify and address trends.
- Implement a comprehensive plan for investigating and disciplining employee misconduct cases.

# Contents

|                                                                                                                 |            |
|-----------------------------------------------------------------------------------------------------------------|------------|
| <b>GAO Highlights</b>                                                                                           | <b>ii</b>  |
| <b>What GAO Found</b>                                                                                           | <b>ii</b>  |
| <b>Why GAO Did This Study</b>                                                                                   | <b>iii</b> |
| <b>What GAO Recommends</b>                                                                                      | <b>iii</b> |
| <b>Letter</b>                                                                                                   | <b>1</b>   |
| Background                                                                                                      | 4          |
| BOP Has Policies and Procedures to Address Employee Misconduct but Has Not Fully Communicated Them              | 10         |
| BOP Has Not Fully Incorporated Data Analysis, Planning, and Evaluation Mechanisms into Misconduct Management    | 19         |
| Multiple DOJ Components Have Roles in Investigating and Prosecuting Allegations of BOP Employee Misconduct      | 32         |
| Conclusions                                                                                                     | 37         |
| Recommendations for Executive Action                                                                            | 38         |
| Agency Comments and Our Evaluation                                                                              | 39         |
| Appendix I Objectives, Scope, and Methodology                                                                   | 42         |
| Appendix II Overview of <i>Kalkines v. United States</i> and <i>Garrity v. New Jersey</i> Cases                 | 47         |
| Appendix III Bureau of Prisons Investigative Interview Policies                                                 | 49         |
| Appendix IV Bureau of Prisons Signage Conveying Zero-Tolerance Sexual Abuse Policy and Reporting Mechanisms     | 51         |
| Appendix V Illustrative Examples from Interviews with Incarcerated Individuals                                  | 53         |
| Appendix VI Data on Outcomes of Bureau of Prisons Employee Misconduct Cases, October 2013 through February 2025 | 54         |
| Appendix VII Comments from the Department of Justice                                                            | 56         |
| Accessible text for Appendix VII: Comments from the Department of Justice                                       | 61         |
| Appendix VIII GAO Contact and Staff Acknowledgments                                                             | 65         |
| GAO Contact                                                                                                     | 65         |
| Staff Acknowledgments                                                                                           | 65         |
| <b>Tables</b>                                                                                                   |            |
| Table 1: Ways Bureau of Prisons (BOP) Employees and Incarcerated Individuals Can Report Employee Misconduct     | 5          |

|                                                                                                                                                              |    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| Table 2: Bureau of Prisons (BOP) Employee Misconduct Allegations: Types and Description                                                                      | 6  |
| Table 3: Type and Examples of Changes in the 2024 Bureau of Prisons' Standards of Employee Conduct Policy Specific to Personal Conduct and Responsibility    | 10 |
| Table 4: Examples of Warnings Investigators Provide to Federal Employees with Allegations of Misconduct                                                      | 14 |
| Table 5: Bureau of Prisons (BOP) Correctional Facilities with the Highest Number of Employee Misconduct Cases and Complaints, October 2013–February 2025     | 23 |
| Table 6: Department of Justice Components' Roles Investigating and Prosecuting Bureau of Prisons (BOP) Employee Misconduct Cases                             | 32 |
| Table 7: Overview of <i>Kalkines v. United States</i> , <i>Garrity v. New Jersey</i> and their Corresponding Holdings                                        | 47 |
| Table 8: Illustrative Examples from GAO Interviews with Incarcerated Individuals at Bureau of Prisons (BOP) Facilities on the Subject of Employee Misconduct | 53 |

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## Figures

|                                                                                                                                                |     |
|------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| Length of Time Bureau of Prisons (BOP) Employee Misconduct Cases Had Been Open as of February 2025                                             | ii  |
| Accessible Data for Length of Time Bureau of Prisons (BOP) Employee Misconduct Cases Had Been Open as of February 2025                         | iii |
| Figure 1: Roles of Bureau of Prisons Offices and Facilities in Addressing Employee Misconduct                                                  | 4   |
| Accessible Data for Figure 1: Roles of Bureau of Prisons Offices and Facilities in Addressing Employee Misconduct                              | 5   |
| Figure 2: Overview of Bureau of Prisons' Employee Disciplinary Process                                                                         | 9   |
| Figure 3: Categorization of Offenses from BOP's 2024 Standards of Employee Conduct                                                             | 12  |
| Accessible Data for Figure 3: Categorization of Offenses from BOP's 2024 Standards of Employee Conduct                                         | 12  |
| Figure 4: Ten Most Frequent Misconduct Offenses Alleged Against Bureau of Prisons Employees, Fiscal Years 2014 – 2024                          | 20  |
| Accessible Data for Figure 4: Ten Most Frequent Misconduct Offenses Alleged Against Bureau of Prisons Employees, Fiscal Years 2014 – 2024      | 21  |
| Figure 5: Number of Bureau of Prisons (BOP) Employee Misconduct Cases and Complaints by Fiscal Year of Report, 2014 – 2024                     | 22  |
| Accessible Data for Figure 5: Number of Bureau of Prisons (BOP) Employee Misconduct Cases and Complaints by Fiscal Year of Report, 2014 – 2024 | 22  |
| Figure 6: Number and Status of Open Bureau of Prisons (BOP) Employee Misconduct Cases as of February 2025                                      | 25  |
| Accessible Data for Figure 6: Number and Status of Open Bureau of Prisons (BOP) Employee Misconduct Cases as of February 2025                  | 25  |

Figure 7: Processing Times for Bureau of Prisons (BOP) Employee Misconduct Cases Reported from Fiscal Years 2014-2024 29

Accessible Data for Figure 7: Processing Times for Bureau of Prisons (BOP) Employee Misconduct Cases Reported from Fiscal Years 2014-2024 29

Figure 8: Length of Time Bureau of Prisons Employee Misconduct Cases Had Been Open as of February 2025 30

Accessible Data for Figure 8: Length of Time Bureau of Prisons Employee Misconduct Cases Had Been Open as of February 2025 30

Figure 9: Actions the Department of Justice’s Office of the Inspector General (OIG) Took Related to Bureau of Prisons Employee Misconduct Allegations, October 2013 – March 2025 34

Accessible Data for Figure 9: Actions the Department of Justice’s Office of the Inspector General (OIG) Took Related to Bureau of Prisons Employee Misconduct Allegations, October 2013 – March 2025 34

Figure 10: Ten Most Frequent Bureau of Prisons Employee Misconduct Allegations the Office of the Inspector General (OIG) Investigated, October 2013 – March 2025 35

Accessible Data for Figure 10: Ten Most Frequent Bureau of Prisons Employee Misconduct Allegations the Office of the Inspector General (OIG) Investigated, October 2013 – March 2025 35

Figure 11: Outcomes of Bureau of Prisons Employee Misconduct Cases Adjudicated in Criminal Court, October 2013 through March 2025 37

Accessible Data for Figure 11: Outcomes of Bureau of Prisons Employee Misconduct Cases Adjudicated in Criminal Court, October 2013 through March 2025 37

Figure 12: Bureau of Prisons Investigative Policy Describing Steps for Conducting Compelled Interviews 49

Figure 13: Sample of Interview Form Used During Compelled Interviews 50

Figure 14: Example of a Sign Conveying Zero-Tolerance Sexual Abuse Policy and Reporting Mechanisms51

Accessible Data for Figure 14: Example of a Sign Conveying Zero-Tolerance Sexual Abuse Policy and Reporting Mechanisms 52

Figure 15: Outcomes of Bureau of Prisons (BOP) Employee Misconduct Cases Closed from October 2013 – February 2025 by Category 54

Accessible Data for Figure 15: Outcomes of Bureau of Prisons (BOP) Employee Misconduct Cases Closed from October 2013 – February 2025 by Category 54

Abbreviations

|      |                                     |
|------|-------------------------------------|
| BOP  | Bureau of Prisons                   |
| DOJ  | Department of Justice               |
| FBI  | Federal Bureau of Investigation     |
| FCC  | Federal Correctional Complex        |
| OIA  | Office of Internal Affairs          |
| OIG  | Office of the Inspector General     |
| PREA | Prison Rape Elimination Act of 2003 |

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September 29, 2025

The Honorable Charles E. Grassley  
Chairman  
The Honorable Richard J. Durbin  
Ranking Member  
Committee on the Judiciary  
United States Senate

The Honorable Cory Booker  
United States Senate

The Honorable Jon Ossoff  
United States Senate

The Federal Bureau of Prisons (BOP) is a component within the U.S. Department of Justice (DOJ). Its more than 35,000 employees are responsible for the custody, care, safety, and rehabilitation of approximately 155,000 individuals serving federal sentences across nearly 120 facilities.<sup>1</sup> BOP's mission is to foster a humane and secure environment and ensure public safety by preparing these individuals for successful reentry into their communities.

BOP holds its employees and contractors to standards that guide their performance of official duties and participation in outside activities.<sup>2</sup> BOP receives and investigates thousands of allegations of employee misconduct each year. These allegations involve criminal misconduct, such as sexual and physical abuse of incarcerated individuals. They also involve administrative infractions, which can include unprofessional conduct and failure to follow policy. In some instances, misconduct can threaten the safety and security of federal facilities and the individuals working and incarcerated therein. DOJ's Office of the Inspector General (OIG) reported that BOP has faced insufficient staffing levels that hindered its ability to investigate and discipline employee misconduct. Such challenges have resulted in lengthy investigations and an accumulation of pending employee misconduct cases.<sup>3</sup>

We have previously reported that leadership turnover and long-standing staffing challenges represent a serious threat to the safety of employees and incarcerated individuals. Due to these and other persistent challenges, we added the area of *Strengthening Management of the Federal Prison System* to GAO's biennial

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<sup>1</sup>Facilities are located throughout the nation and operate at five different security levels—minimum, low, medium, high, and administrative.

<sup>2</sup>BOP's standards apply to both contractors and employees. For the purposes of this report, we refer to both groups as employees.

<sup>3</sup>Department of Justice, Office of the Inspector General, *Limited-Scope Review of the Federal Bureau of Prisons' Strategies to Identify, Communicate, and Remedy Operational Issues*, OIG-23-065. (May 2023).



High-Risk List in 2023.<sup>4</sup> We reported in the latest High-Risk update in February 2025 that BOP had made some progress in key challenge areas. However, staffing gaps and leadership stability continue to be central concerns and affect BOP's ability to monitor persistent issues such as employee misconduct.<sup>5</sup>

You asked us to review issues related to BOP's efforts to address employee misconduct.<sup>6</sup> Specifically, this report examines:

1. The extent to which BOP has established and communicated policies and procedures on employee misconduct;
2. The extent to which BOP has incorporated data analysis, strategic planning, and evaluation mechanisms into its management of employee misconduct; and
3. The roles and responsibilities of other DOJ components in investigating and prosecuting BOP employee misconduct.

To examine the extent to which BOP established and communicated policies and procedures on employee misconduct, we assessed BOP's *Standards of Employee Conduct* and other policies on reporting and disciplining employee misconduct.<sup>7</sup> We also evaluated BOP's policy for investigating allegations of employee misconduct against *Standards for Internal Control in the Federal Government*.<sup>8</sup> Additionally, we reviewed signs and other materials that inform incarcerated individuals about how to identify and report employee misconduct. We evaluated these materials to determine the extent to which they adhered to a key practice for developing a communication strategy.<sup>9</sup> Further, we examined the extent to which BOP's efforts to evaluate *Standards of Employee Conduct* training followed leading practices for assessing strategic training in the federal government.<sup>10</sup>

To examine BOP's use of data analysis, strategic planning, and evaluation mechanisms in managing the misconduct workload, we analyzed data on employee and contractor misconduct allegations BOP received from October 2013 through February 2025. We selected this period to identify changes over the past 10 complete fiscal years and to obtain the most current information. Among other things, we examined allegations by volume, offense type, and facility. We also calculated the number and the timeliness of open cases.

Additionally, we reviewed BOP documentation to evaluate BOP's use of data over the past 10 complete fiscal years against its Office of Internal Affairs (OIA) program statement, its strategic goal and objectives, and

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<sup>4</sup>GAO, *High-Risk Series: Efforts Made to Achieve Progress Need to Be Maintained and Expanded to Fully Address All Areas*, [GAO-23-106203](#) (Washington, D.C.: Apr. 20, 2023). Each biennial update describes the status of High-Risk areas, outlines actions that are needed to assure further progress, and identifies new high-risk areas needing attention by the executive branch and Congress.

<sup>5</sup>GAO, *High-Risk Series: Heightened Attention Could Save Billions More and Improve Government Efficiency and Effectiveness*, [GAO-25-107743](#) (Washington, D.C.: Feb. 25, 2025).

<sup>6</sup>In addition to our report, GAO is developing a report on sexual misconduct in federal prisons, estimated to issue in early 2026.

<sup>7</sup>Department of Justice, Bureau of Prisons, *Program Statement 3420.12, CN-1: Standards of Employee Conduct* (February 18, 2025).

<sup>8</sup>GAO, *Standards for Internal Control in the Federal Government*, [GAO-25-107721](#) (Washington, D.C.: May 2025).

<sup>9</sup>GAO, *Results-Oriented Cultures: Implementation Steps to Assist Mergers and Organizational Transformations*, [GAO-03-669](#) (Washington, D.C.: July 2, 2003). [GAO-03-669](#) identified nine key practices, including one to establish a communication strategy.

<sup>10</sup>GAO, *Human Capital: A Guide for Assessing Strategic Training and Development Efforts in the Federal Government*, [GAO-04-546G](#) (Washington, D.C.: March 2004).

*Standards for Internal Control in the Federal Government*.<sup>11</sup> This documentation included annual reports on the misconduct workload from fiscal years 2014 through 2023, the most recent report available during our audit work. Further, we interviewed officials about BOP's efforts to manage the employee misconduct workload and evaluated these efforts against sound planning practices and *Standards for Internal Control in the Federal Government*.<sup>12</sup> Additionally, we interviewed officials and reviewed BOP documentation regarding efforts to evaluate investigation timeliness and assessed these efforts against criteria from *The Standard for Program Management*.<sup>13</sup>

To determine various DOJ components' roles and responsibilities in investigating and prosecuting BOP employee misconduct, we reviewed program statements and guidance related to BOP employee misconduct investigations and interviewed officials from each component. To understand the number and type of BOP employee misconduct investigations conducted across DOJ, we analyzed data from OIG on BOP employee and contractor misconduct allegations received from October 2013 through March 2025. We selected this range to identify changes over the past 10 complete fiscal years and obtain the most current information.

We assessed the reliability of the BOP and OIG data used in our analyses by (1) reviewing relevant documentation, (2) interviewing knowledgeable officials on their management of the data, and (3) testing for obvious errors. We determined the data were sufficiently reliable for describing the employee misconduct workload for BOP from October 2013 through February 2025 and for OIG from October 2013 through March 2025.

To address all three objectives, we interviewed BOP officials with roles and responsibilities in preventing, investigating, and disciplining employee misconduct. Additionally, we visited three Federal Correctional Complexes to observe their operations, interview leadership, local union representatives, and other officials, and gather perspectives from 13 correctional officers and 12 incarcerated individuals.<sup>14</sup> We selected these facilities based on security level, geographic location, gender of the incarcerated population, and known misconduct issues, as indicated by BOP data and publicly available reports. The perspectives of those we interviewed are not generalizable to all BOP offices or facilities. However, they provide illustrative examples of, and important insights about, employee misconduct prevention and response approaches throughout the bureau. Appendix I describes our scope and methodology in greater detail.

We conducted this performance audit from January 2024 to September 2025 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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<sup>11</sup>Department of Justice, Bureau of Prisons, *Program Statement 1210.25: Office of Internal Affairs* (August 1, 2023). DOJ BOP, *FBOP Response – GAO High-Risk Metrics* (Nov. 8, 2024). [GAO-25-107721](#).

<sup>12</sup>GAO, *Social Security Disability: Additional Performance Measures and Better Cost Estimates Could Help Improve SSA's Efforts to Eliminate Its Hearings Backlog*, [GAO-09-398](#) (Washington, D.C.: Sept. 9, 2009); *Combating Terrorism: Evaluation of Selected Characteristics in National Strategies Related to Terrorism*, [GAO-04-408T](#) (Washington, D.C.: Feb. 3, 2004); and [GAO-25-107721](#).

<sup>13</sup>Project Management Institute, Inc., *The Standard for Program Management*, Fifth Edition (2024).

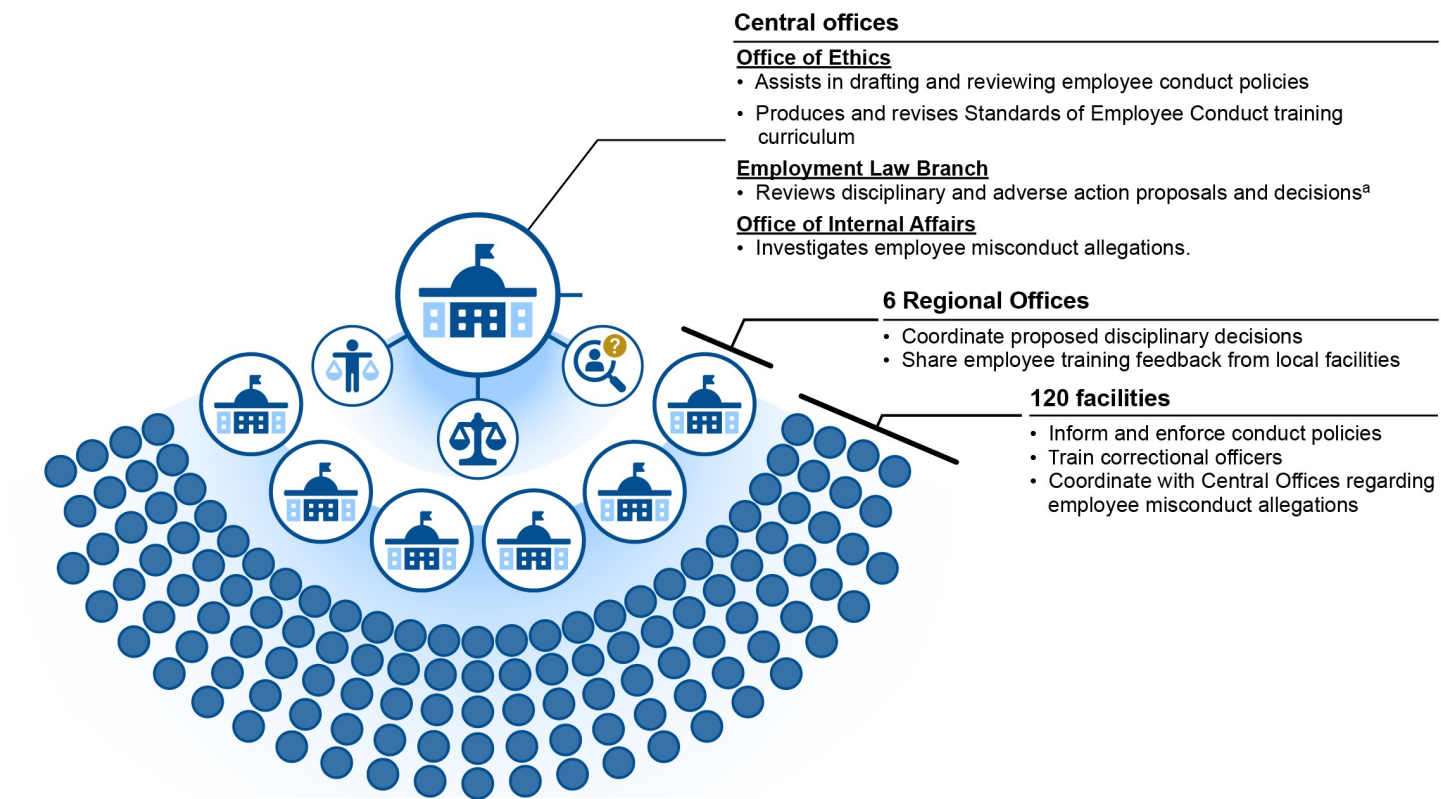
<sup>14</sup>Complexes are co-located facilities with different missions and security levels. We visited Federal Correctional Complexes Yazoo City in Mississippi, Hazelton in West Virginia, and Victorville in California.

# Background

BOP employees are subject to certain standards and prohibitions, which may be based in law, regulation, or a matter of good ethical principles. BOP considers any violations of these standards and prohibitions to be employee misconduct and developed the *Standards of Employee Conduct* to prevent and address misconduct.<sup>15</sup> In addition, the bureau developed mechanisms for investigating reports of potential misconduct—also called allegations—and disciplining employees.

Various offices across BOP’s organizational structure have roles and responsibilities in addressing employee misconduct. Figure 1 generally describes these roles at various organizational levels.

Figure 1: Roles of Bureau of Prisons Offices and Facilities in Addressing Employee Misconduct



Source: Bureau of Prisons; Icons-Studio/stock.adobe.com. | GAO-25-107339

<sup>15</sup>BOP’s Program Statement 3420.12, *Standards of Employee Conduct* (June 2024), provides BOP employees with a general framework of expectations and establishes employee conduct responsibilities. BOP’s employee disciplinary process helps enforce the *Standards of Employee Conduct* to ensure efficient operations. In February 2025, BOP removed the term “gender identity” from the program statement in relation to employees’ use of social media to engage in harassing or discriminatory conduct towards others to ensure consistency with Executive Orders issued by the Executive Office of the President of the United States. Department of Justice, Bureau of Prisons, *Program Statement 3420.12, CN-1: Standards of Employee Conduct*. According to BOP officials, the *Standards of Employee Conduct* is the only program statement that establishes unique policies for conduct expectations.

Accessible Data for Figure 1: Roles of Bureau of Prisons Offices and Facilities in Addressing Employee Misconduct

|                                                                                                                                                                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Central offices                                                                                                                                                                                           |
| Office of Ethics                                                                                                                                                                                          |
| <ul style="list-style-type: none"><li>Assists in drafting and reviewing employee conduct policies</li><li>Produces and revises Standards of Employee Conduct training curriculum</li></ul>                |
| Employment Law Branch                                                                                                                                                                                     |
| <ul style="list-style-type: none"><li>Reviews disciplinary and adverse action proposals and decisions<sup>a</sup></li></ul>                                                                               |
| Office of Internal Affairs                                                                                                                                                                                |
| <ul style="list-style-type: none"><li>Investigates employee misconduct allegations.</li></ul>                                                                                                             |
| 120 facilities                                                                                                                                                                                            |
| <ul style="list-style-type: none"><li>Inform and enforce conduct policies</li><li>Train correctional officers</li><li>Coordinate with Central Offices regarding employee misconduct allegations</li></ul> |
| 6 Regional Offices                                                                                                                                                                                        |
| <ul style="list-style-type: none"><li>Coordinate proposed disciplinary decisions</li><li>Share employee training feedback from local facilities</li></ul>                                                 |

Source: Bureau of Prisons; Icons-Studio/stock.adobe.com. | GAO-25-107339

<sup>a</sup>Adverse actions are employee misconduct penalties that may include no less than a 15-day suspension, removal, or demotion. Disciplinary actions are penalties that are 14-day suspension or less.

Other DOJ components may also conduct employee misconduct investigations or provide support to the investigations, if necessary. For example, BOP may refer criminal and serious administrative allegations to OIG for further investigation.

Reporting Employee Misconduct

As table 1 illustrates, BOP employees and incarcerated individuals can report employee misconduct in several ways. For example, BOP employees and incarcerated individuals can report employee misconduct directly to supervisors and investigators. Once the facility’s warden learns of the misconduct, they will notify OIA of the allegation to start the investigation process. BOP employees and incarcerated individuals may also report allegations of misconduct to other DOJ components, such as the OIG and the Federal Bureau of Investigation.

Table 1: Ways Bureau of Prisons (BOP) Employees and Incarcerated Individuals Can Report Employee Misconduct

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| BOP employees                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Incarcerated individuals                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <ul style="list-style-type: none"><li>Report to a supervisor or manager.</li><li>Contact Office of Internal Affairs (OIA) investigator(s) stationed at the facility, if available.</li><li>Report violations to OIA directly via email.</li><li>Use the Office of the Inspector General (OIG) toll-free hotline or via its public website.</li><li>Report directly to the U.S. Office of Special Counsel.<sup>a</sup></li><li>Report to the facility Chief Executive Officer (typically the warden).</li></ul> | <ul style="list-style-type: none"><li>Contact OIA investigator(s) stationed at facility, if available.</li><li>Report in person to any employee.</li><li>Submit an <i>Inmate Request to Staff Member</i> form or mail a letter to the Chief Executive Officer (typically the warden), Regional Director, or BOP Director.</li><li>Report directly to OIG via the computer network BOP provides for incarcerated individuals or by mail.</li><li>Ask someone outside the facility to report on their behalf (e.g., lawyer, friend, family member) through BOP’s public website.</li></ul> |

Source: GAO analysis of BOP documentation and interviews. | GAO-25-107339

<sup>a</sup>The U.S. Office of Special Counsel is an independent federal investigative and prosecutorial agency. Its primary mission is to protect federal employees from retaliation for whistleblowing.

## Categorizing Allegations

When OIA receives an allegation, it records it in a case management system and categorizes the allegation based on severity.<sup>16</sup> Specifically, if the allegation warrants investigation and has sufficient information, OIA opens a case and categorizes it. If the allegation does not warrant investigation or lacks sufficient information, OIA records it as a complaint.<sup>17</sup> Table 2 provides an overview of each category, including examples.

| Table 2: Bureau of Prisons (BOP) Employee Misconduct Allegations: Types and Description |                                                                                                                                   |                                                                                  |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| Allegation type                                                                         | Description                                                                                                                       | Examples                                                                         |
| Category 1 cases                                                                        | Allegations of criminal misconduct that may constitute a prosecutable offense <sup>a</sup>                                        | Physical abuse, bribery, fraud or extortion, theft, trafficking in illegal drugs |
| Category 2 cases                                                                        | Allegations of violations of policies or laws that may not result in criminal prosecution but constitute serious misconduct       | Threatening assault, discrimination, sexual harassment, and workplace violence   |
| Category 3 cases                                                                        | Allegations of administrative misconduct that have minimal impacts on facility operations but could result in disciplinary action | Unprofessional conduct, refusal or failure to follow instructions or procedures  |

Source: GAO analysis of Bureau of Prisons and Office of the Inspector General processes. | GAO-25-107339

Note: Bureau of Prisons' Office of Internal Affairs (OIA) reviews all allegations and categorizes them based on the severity. OIA refers all Category 1 and 2 to the Office of the Inspector General (OIG) for its review and shares Category 3 allegations in monthly batches, though OIG does not formally review these allegations. If OIG declines to investigate an allegation, it will defer to OIA, which will then review the allegation to determine whether it will open an administrative investigation. In cases where OIG receives allegations directly from BOP employees and incarcerated individuals or their families, they will review them and determine whether to further investigate, refer them to OIA, or pursue another outcome.

<sup>a</sup>Category 1 cases may also include allegations of serious administrative misconduct by a Department of Justice employee of the rank of GS-15 or above.

After opening an investigation, OIA will either refer the case to the OIG for its review or will conduct its own administrative investigation:

- **Refer the case to the OIG.** OIA refers Category 1 and 2 allegations to OIG for its review.<sup>18</sup> Additionally, OIA sends monthly batches of Category 3 allegations to OIG for recordkeeping purposes.<sup>19</sup> OIG generally handles allegations for investigation that constitute criminal or serious misconduct—typically category 1

<sup>16</sup>Case File Manager is a system that OIA uses to house and track employee misconduct allegations and investigations, among other information. In addition, OIA uses the system to track the OIG's review of employee misconduct allegations.

<sup>17</sup>OIA may not open cases on allegations that lack necessary information, such as the employee's name or other identifying information.

<sup>18</sup>Pursuant to 5 U.S.C. § 413(b), generally, the OIG has the authority to investigate allegations of criminal wrongdoing or administrative misconduct by an employee of the DOJ. Generally, DOJ employees are required to report to the OIG, to their appropriate supervisor, or to their component's internal affairs office any evidence or non-frivolous allegation of a violation of any law, rule, regulation, order; waste, fraud, or abuse; or criminal or serious administrative misconduct, or an investigation of allegations of criminal misconduct against any Department employee. 28 C.F.R. §§ 0.29b, 0.29c, and 45.11. See DOJ, Justice Manual 1-4.400 - Standards of Conduct (revised January 2020).

<sup>19</sup>Department of Justice, Bureau of Prisons, *Program Statement 1210.25: Office of Internal Affairs* (August 1, 2023). OIG officials stated that OIG does not formally review Category 3 allegations but tracks them in a data system.

and 2 cases. After OIG reviews the case, it may notify OIA that it will continue investigating the allegation or send the case back (defer) to OIA.<sup>20</sup>

- **Conduct an administrative investigation.** OIA handles Category 3 cases and other cases that the OIG defers, which can include Categories 1 and 2. Once OIG defers a case to OIA, OIA considers it for an administrative investigation.<sup>21</sup>

If OIG decides to investigate an allegation, BOP cannot take further action unless the OIG approves it. During OIG's investigation, it may also refer the allegation to other DOJ investigative components, such as the Federal Bureau of Investigation, which may join OIG for the investigation, or to state or federal prosecutors for their consideration.

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## Employee Disciplinary Process

BOP's employee disciplinary process consists of two phases—the investigation phase and the disciplinary phase. Figure 2 shows the steps in each of these phases.

### Investigation Phase

In most instances, OIA assigns its investigations to OIA investigators located at the facility where the alleged misconduct occurred.<sup>22</sup> OIA investigators gather evidence, in part by interviewing the subject of the allegation, witnesses, and any victims.

When interviewing BOP employees who are subjects of allegations, OIA conducts a compelled interview—one in which an employee is required to respond fully and truthfully to questions or face agency disciplinary action, including dismissal. In accordance with BOP guidance, prior to a compelled interview, investigators are to issue a warning to inform employees of their obligations and rights.<sup>23</sup>

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<sup>20</sup>Once OIA refers a case to OIG, OIA will not begin an investigation until OIG completes its review and defers the allegation to OIA for an administrative investigation. According to OIG officials, even if the agency learns that the misconduct case may not result in a conviction, OIG will generally continue their investigation as an administrative misconduct case and provide their findings to BOP.

<sup>21</sup>When OIG defers to BOP, they may either defer completely to BOP to handle the case or request that BOP report back to OIG once BOP completes its investigation.

<sup>22</sup>According to BOP officials, as part of OIA, 96 Special Investigative Agents are stationed across the BOP facilities, with some responsible for investigating allegations at multiple facilities located in BOP complexes or in close geographic proximity. Special Investigative Agents investigate the majority of employee misconduct allegations. Less frequently, OIA assigns more complex allegations to Special Agents located at BOP headquarters. For the purposes of this report, we will refer to Special Investigative Agents and Special Agents as OIA investigators.

<sup>23</sup>Department of Justice, Bureau of Prisons, *Program Statement 1210.25: Office of Internal Affairs*.

Ultimately, OIA investigators use the evidence collected to determine whether the allegation should be sustained or not sustained.<sup>24</sup>

### Discipline Phase

Once investigators sustain an allegation, facilities coordinate with the appropriate regional office and legal staff to impose a disciplinary action. This coordination includes drafting a disciplinary proposal letter<sup>25</sup> and getting approval from the regional office and the Employment Law Branch.<sup>26</sup> In addition, BOP sends the disciplinary review letter to the employee and must allow sufficient time for the employee to respond.<sup>27</sup> After the disciplinary proposal letter is approved, BOP issues a final decision letter and imposes disciplinary action. These disciplinary actions can include an official reprimand, suspension from work, or removal from the position.<sup>28</sup>

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<sup>24</sup>According to BOP documentation, an allegation is sustained if it is supported by admission or a “preponderance of evidence”. A “preponderance of evidence” is the degree of relevant evidence that a reasonable person, considering the record as a whole, would accept as sufficient to find that a contested fact is more likely to be true than untrue. 5 C.F.R. § 1201.4(q). Further, an allegation is not sustained if there is insufficient evidence to support the allegation and there is no additional contrary evidence to refute the allegation and the allegation cannot otherwise be reasonably dismissed as without merit or substance. In addition, OIA may conclude the allegation was unfounded—that is, the evidence found refutes the allegation and/or the allegation can be reasonably dismissed as without any merit or substance.

<sup>25</sup>According to BOP officials, the disciplinary proposal letter provides the recommended disciplinary action the BOP would impose for the misconduct offense. The deciding official (e.g. wardens, Regional Directors) considers this recommendation along with the oral or written responses, Douglas Factors, and any other pertinent materials to make a final decision as to the appropriate penalty. For example, supervisors consider Douglas Factors when determining an appropriate penalty to impose for an act of employee misconduct. The Douglas Factors include nonexclusive criteria such as the nature and seriousness of the offense and employee’s past disciplinary record. *Douglas vs. Veterans Administration*, 5 M.S.P.R. 280 (1981).

<sup>26</sup>The Employment Law Branch reviews cases to ensure the investigative case file and disciplinary proposal meet technical and legal sufficiency, including ensuring that the proposed disciplinary action is appropriate for that offense. As of June 2023, BOP implemented a new initiative streamlining the disciplinary letter review process. Specifically, the branch does not need to review proposed or final disciplinary letters for suspensions of 10 days or less, with some exceptions, including sexual misconduct allegations and inappropriate supervisor/subordinate relationships. According to BOP officials, no decision has been made with respect to the discipline letter review initiative. The bureau is continuing to collect data related to the initiative through the end of June 2025.

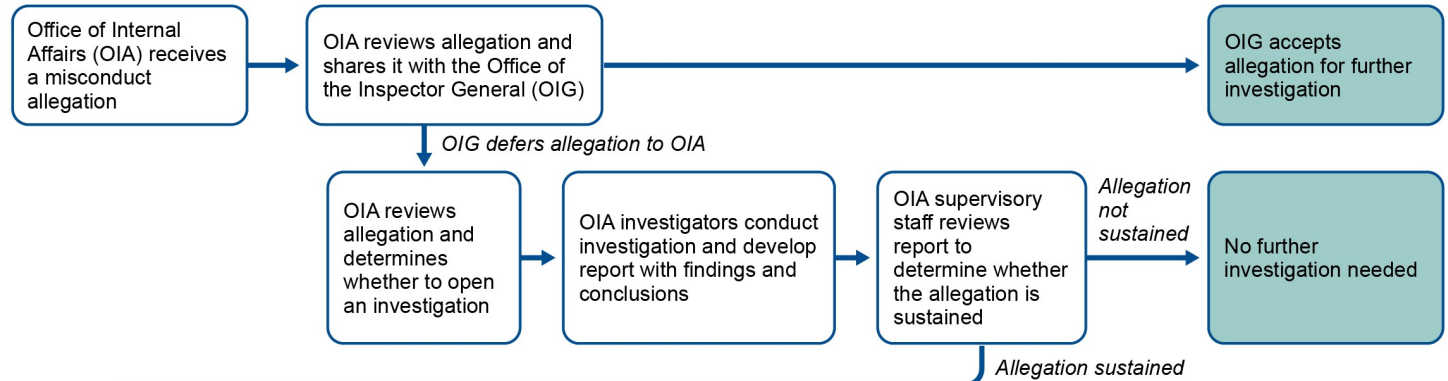
<sup>27</sup>Pursuant to 5 C.F.R. § 752.203(c), generally, federal employees subject to discipline whose suspension is proposed for 14 days or less, must be given a reasonable time, but not less than 24 hours, to answer orally and in writing and to furnish affidavits and other documentary evidence in support of the answer. Further, pursuant to 5 C.F.R. § 752.404(c)(1), generally, the agency must give federal employees subject to proposed discipline of removal, suspension for more than 14 days, or certain other adverse actions a reasonable amount of official time to review and respond to the evidence. This includes time to review the material relied on to support the agency’s proposed action, to prepare an answer orally and in writing, and to secure affidavits, if the employee is in an active-duty status. The agency may require the employee to furnish any answer to the proposed action, and affidavits and other documentary evidence in support of the answer, within such time as would be reasonable, but not less than 7 days.

<sup>28</sup>According to the *Standards of Employee Conduct*, the disciplinary actions proposed should be within the range of penalties provided for an offense and should generally be progressive in nature when applicable, such as if it is a subsequent offense. In serious cases or those with aggravating factors, a disciplinary action outside the range of penalties may be imposed.

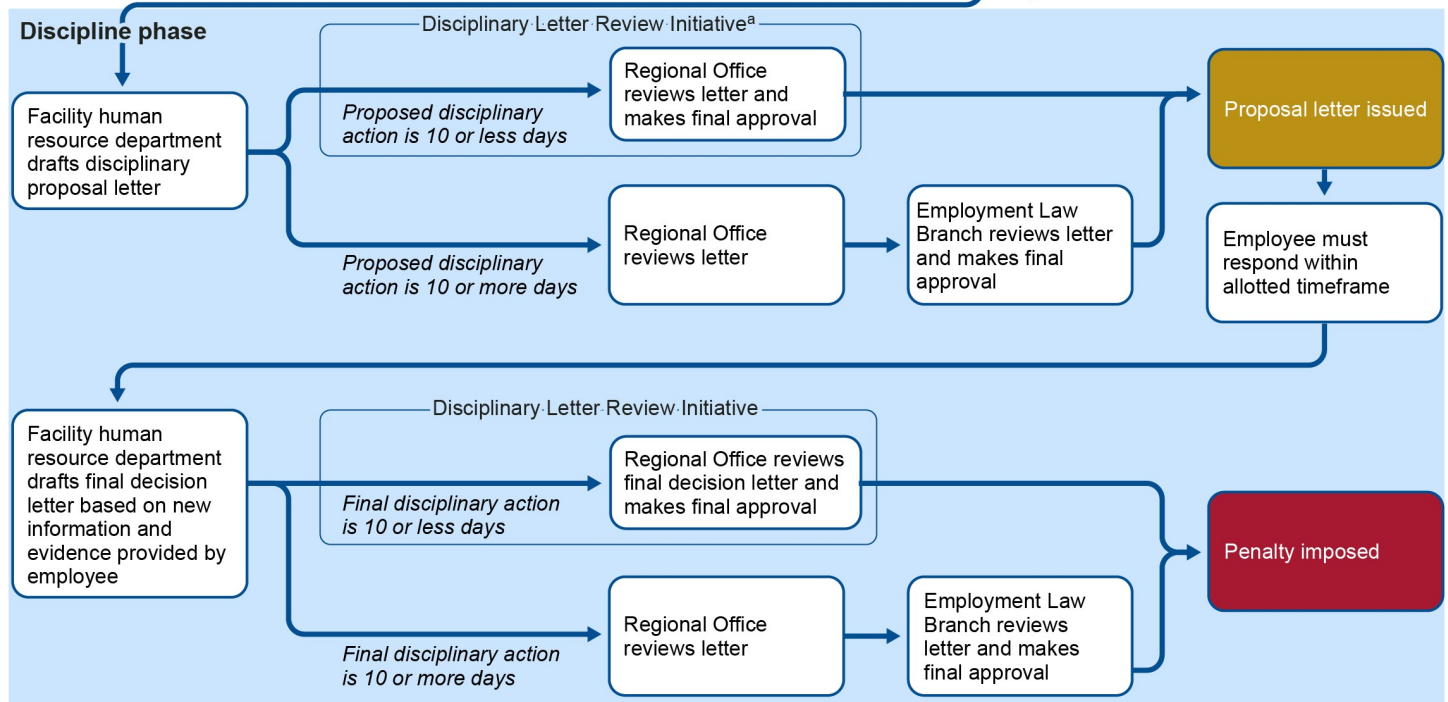


**Figure 2: Overview of Bureau of Prisons' Employee Disciplinary Process**

**Investigation phase**



**Discipline phase**



Source: Bureau of Prisons; Office of the Inspector General-23-065 report. | GAO-25-107339

Note: According to Bureau of Prisons documentation, an allegation is sustained if it is supported by admission or a "preponderance of evidence". A "preponderance of evidence" is the degree of relevant evidence that a reasonable person, considering the record as a whole, would accept as sufficient to find that a contested fact is more likely to be true than untrue. 5 C.F.R. § 1201.4(q). Further, an allegation is not sustained if there is insufficient evidence to support the allegation and there is no additional contrary evidence to refute the allegation and the allegation cannot otherwise be reasonably dismissed as without merit or substance.

<sup>a</sup>As of June 2023, the Bureau of Prisons implemented a new initiative streamlining the disciplinary letter review process. According to Bureau of Prisons officials, no decision has been made with respect to the discipline letter review initiative. The bureau is continuing to collect data related to the initiative through the end of June 2025.



# BOP Has Policies and Procedures to Address Employee Misconduct but Has Not Fully Communicated Them

## BOP Updated Its Standards of Employee Conduct in 2024

BOP revised its policy describing employees’ conduct standards and prohibitions.<sup>29</sup> Previously updated in 2013, the *Standards of Employee Conduct* describes BOP employees’ conduct responsibilities, prohibited activities, and general standards to abide by.<sup>30</sup> In June 2024, BOP revised its *Standards of Employee Conduct* after determining that the 2013 version required updating. As table 3 shows, the revisions include new and altered policies specific to employees’ conduct and responsibilities.

**Table 3: Type and Examples of Changes in the 2024 Bureau of Prisons’ Standards of Employee Conduct Policy Specific to Personal Conduct and Responsibility**

| Change type                                                            | Examples                                                                                                                                                                                                                                                                                                                                                              |
|------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Revisions to policy elaborating on employee conduct and responsibility | <ul style="list-style-type: none"><li>• Additional language specifying illegal drugs prohibited.</li><li>• New rules specific to social media use.</li><li>• New section elaborating on supervisor-subordinate relationships.</li><li>• New language emphasizing BOP employees’ role in recognizing and preventing employee misconduct amongst their peers.</li></ul> |
| Revisions to listed disciplinary offenses and penalties                | <ul style="list-style-type: none"><li>• Inclusion of additional offenses.</li><li>• Modifications of existing offenses, including changes to offenses’ descriptions, range of penalties, and reckoning period.<sup>a</sup></li></ul>                                                                                                                                  |

Source: GAO analysis of Bureau of Prisons documentation. | GAO-25-107339

Note: In February 2025, BOP removed the term “gender identify” from the 2024 version of the *Standards of Employee Conduct* to ensure consistency with Executive Orders issued by the Executive Office of the President of the United States.

<sup>a</sup>The reckoning period is defined as the period of time following the date that management becomes aware of the offense, during which that offense can be used to determine the sanction for a subsequent offense.

The 2024 version includes updates to its Standard Schedule of Disciplinary Offenses and Penalties—a table that BOP’s Human Resources and Employment Law Branch, among others, use to determine the appropriate discipline for employees depending on the offense committed. The 2024 version also describes a total of 73 offenses, with 19 of these added during the revision process.<sup>31</sup> These 19 include stand-alone offenses that were previously part of broader categories, new offenses based on new rules (e.g. violations to social media-use standards), and split offenses based on employee circumstances. For example, national union officials stated that the earlier standards (from 2013) penalized correctional officers for missing their assigned rounds regardless of their reasons or excuse. The revised 2024 standards distinguish between a correctional officer who does not perform assigned rounds at all, and one who was late to assigned rounds because previous

<sup>29</sup>In February 2025, BOP removed the term “gender identity” from the 2024 version of the *Standards of Employee Conduct* to ensure consistency with Executive Orders issued by the Executive Office of the President of the United States. Department of Justice, Bureau of Prisons, *Program Statement 3420.12, CN-1: Standards of Employee Conduct*.

<sup>30</sup>Department of Justice, Bureau of Prisons, *Program Statement 3420.11: Standards of Employee Conduct* (December 6, 2013).

<sup>31</sup>The *Standards of Employee Conduct* lists 73 categories of offenses rather than a comprehensive list of each offense. In contrast, OIA’s case management system contains a total of 205 offense types, based on the facts and circumstances of each individual offense, according to the system manual. According to OIA officials, the list of offense types can vary over time, and is most often adjusted in response to a need to produce more specific information for reporting or tracking purposes.

rounds took longer than expected due to an emergency or other exigent circumstances. The 19 additional offenses include the following:

- An offense specific to unprofessional conduct related to race, sex, disability, or other immutable characteristics,<sup>32</sup>
- An offense for inadvertent or mistaken use of a prescription drug without a valid prescription, and controlled substances,<sup>33</sup>
- More specific offenses that focus on different types of contraband, such as firearms and non-firearm weapons, and
- An offense focusing on the act of intimidating or threatening incarcerated individuals or compelling them to act or violate a rule.<sup>34</sup>

For purposes of summarizing the 73 offense categories, we categorized them into eight domains, as shown in figure 3.

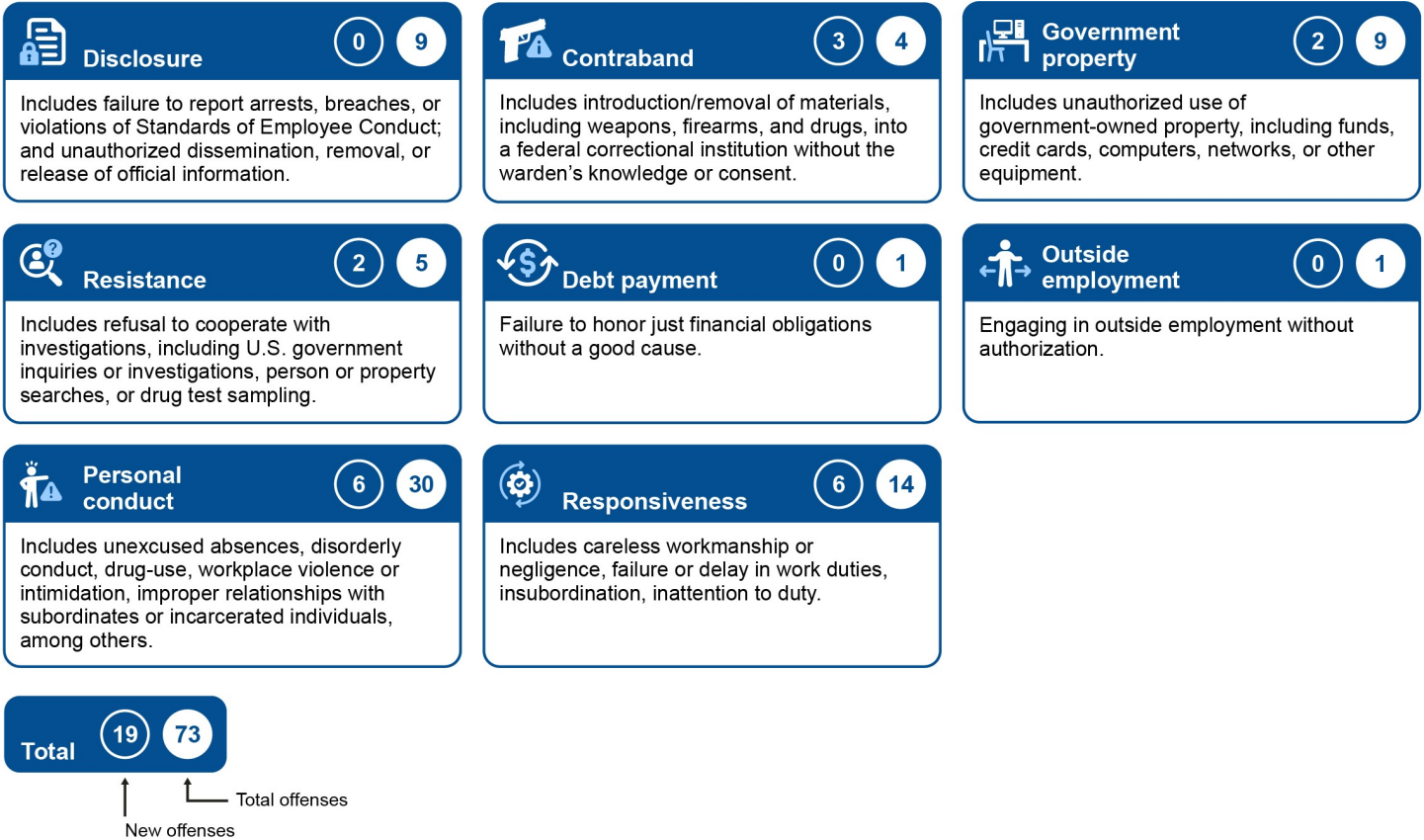
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<sup>32</sup>The 2013 version of the Standard Schedule of Disciplinary Offenses and Penalties discusses discriminatory offenses but focused on employment circumstances and failure to report violations. That table also included offenses for conduct not permitted at BOP but did not focus on discriminatory acts.

<sup>33</sup>The 2013 version of the Standard Schedule of Disciplinary Offenses and Penalties discussed drug-related offenses pertaining to employees being under the influence or in unauthorized possession of drugs or alcohol.

<sup>34</sup>BOP's *Standards of Employee Conduct* from 2013 discussed the use of intimidation or threats of force offenses but did not include them in the Standard Schedule of Disciplinary Offenses and Penalties.

Figure 3: Categorization of Offenses from BOP’s 2024 Standards of Employee Conduct



Source: GAO analysis of Bureau of Prisons (BOP) documentation; Icons-Studio/stock.adobe.com. | GAO-25-107339

Accessible Data for Figure 3: Categorization of Offenses from BOP’s 2024 Standards of Employee Conduct

| Category                                                                                                                                                                                        | New offenses | Total offenses |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|----------------|
| <b>Disclosure</b><br>Includes failure to report arrests, breaches, or violations of Standards of Employee Conduct; and unauthorized dissemination, removal, or release of official information. | 0            | 9              |
| <b>Contraband</b><br>Includes introduction/removal of materials, including weapons, firearms, and drugs, into a federal correctional institution without the wardens knowledge or consent.      | 3            | 4              |
| <b>Government property</b><br>Includes unauthorized use of government-owned property, including funds, credit cards, computers, networks, or other equipment.                                   | 2            | 9              |
| <b>Resistance</b><br>Includes refusal to cooperate with investigations, including U.S. government inquiries or investigations, person or property searches, or drug test sampling.              | 2            | 5              |
| <b>Debt payment</b><br>Failure to honor just financial obligations without a good cause.                                                                                                        | 0            | 1              |
| <b>Outside employment</b><br>Engaging in outside employment without authorization.                                                                                                              | 0            | 1              |

| Category                                                                                                                                                                                                      | New offenses | Total offenses |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|----------------|
| <b>Personal conduct</b><br>Includes unexcused absences, disorderly conduct, drug-use, workplace violence or intimidation, improper relationships with subordinates or incarcerated individuals, among others. | 6            | 30             |
| <b>Responsiveness</b><br>Includes careless workmanship or negligence, failure or delay in work duties, insubordination, inattention to duty.                                                                  | 6            | 14             |

Source: GAO analysis of Bureau of Prisons (BOP) documentation; Icons-Studio/stock.adobe.com. | GAO-25-107339

Note: The figure illustrates GAO's categorization of the 73 offenses, including 19 additional offenses, BOP describes in the 2024 version of the *Standards of Employee Conduct*. In February 2025, BOP removed the term "gender identity" from the 2024 version of the Standards of Employee Conduct to ensure consistency with Executive Orders issued by the Executive Office of the President of the United States.

Based on our interviews, BOP employees had generally positive views of the revisions overall. Specifically, of the 13 correctional officers we spoke with across the three BOP facilities in our sample, 11 stated that the revised standards set clear expectations.<sup>35</sup> Additionally, of the 13 correctional officers, 10 noted that the revised standards clearly described the consequences of violating BOP policies.<sup>36</sup>

### BOP's Policy Describes Procedures for Conducting Compelled Interviews but Does Not Cite the Correct Legal Decision

During administrative investigations of employee misconduct cases, OIA conducts compelled interviews of BOP employees suspected of misconduct. However, the bureau's program statement on investigative policy does not correctly cite the applicable legal decision when referring to employees' rights.<sup>37</sup> A compelled interview means that employees are required to respond fully and truthfully to questions. If they do not, they face agency disciplinary action, including dismissal for failure to do so. However, any statements from the compelled interview, or the results of those statements, may not be used against the employee in a later criminal prosecution, unless the employee knowingly and willingly makes false statements. According to OIA officials, OIA policy only provides for compelled interviews during administrative investigations of BOP employees accused of employee misconduct, not voluntary interviews.

In our review of BOP's program statement on investigative policy, we found that BOP does not cite the correct legal court decision when referring to employees' rights during a compelled interview. Instead of citing the holding of *Kalkines v. United States*,<sup>38</sup> which is the applicable legal basis for the administrative warning, OIA cites the holding of *Garrity v. New Jersey*.<sup>39</sup> See appendix II for further context on the Kalkines and Garrity court cases.

As described in table 4, warnings provided prior to compelled and voluntary interviews are derived from the holdings in *Kalkines v. United States* and *Garrity v. New Jersey*, respectively. The warnings for each are

<sup>35</sup>Two of the 13 correctional officers did not provide responses related to whether the revised program statement set clear expectations.

<sup>36</sup>Three of the 13 correctional officers did not state the revised standards clearly describe the consequences of violating the BOP policies; one officer noted that the revised program statement could be clearer, another two did not provide responses.

<sup>37</sup>Department of Justice, Bureau of Prisons, *Program Statement 1210.25: Office of Internal Affairs*.

<sup>38</sup>473 F.2d 1391 (1973).

<sup>39</sup>385 U.S. 493 (1967).

distinct and inform interviewees of the potential ramifications of refusing or participating in the respective interview.

Table 4: Examples of Warnings Investigators Provide to Federal Employees with Allegations of Misconduct

| Warning                       | Example                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Type of Interview   |
|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| Kalkines warning <sup>a</sup> | You are being questioned as part of an administrative investigation. You will be asked a number of specific questions concerning your official duties, and you must answer these questions to the best of your ability. Failure to answer completely and truthfully may result in disciplinary action, including dismissal. Your answers and any information derived from them may be used against you in administrative proceedings. However, neither your answers nor any information derived from them may be used against you in criminal proceedings, except if you knowingly and willfully make false statements. | Compelled Interview |
| Garrity warning <sup>b</sup>  | You are being asked to provide information as part of an administrative investigation. This is a voluntary interview and you do not have to answer questions if your answers would tend to implicate you in a crime. No disciplinary action will be taken against you solely for refusing to answer questions. However, the evidentiary value of your silence may be considered in administrative proceedings as part of the facts surrounding your case. Any statement you do choose to provide may be used as evidence in criminal and/or administrative proceedings.                                                 | Voluntary Interview |

Sources: GAO analysis of Bureau of Prisons documentation and relevant court decisions. | GAO-25-107339

<sup>a</sup>Kalkines v. United States, 473 F.2d 1391 (1973).

<sup>b</sup>Garrity v. New Jersey, 385 U.S. 493 (1967).

In our discussion with BOP, officials acknowledged the error in the policy. However, they stressed that the language in their interview form ensures that employees receive accurate information prior to a compelled interview. Specifically, BOP officials stated that OIA investigators provide a form to BOP employees prior to the start of an interview which describes employees’ rights during compelled interviews. In our review, we concluded that the form correctly describes employees’ rights during a compelled interview without incorrectly attributing it as a Garrity warning. Further, OIA officials said they tell investigators not to provide a verbal explanation of the rights described in the form to eliminate any chance of sharing incorrect information. See appendix III for a snapshot of the OIA’s investigative policy and form.

Standards for Internal Control in the Federal Government state that management should use quality information to achieve the entity’s objectives.<sup>40</sup> This includes obtaining relevant data from reliable internal and external sources.

The errors in BOP’s current program statement on investigative policy risk misleading and confusing OIA investigators and BOP interviewees. Until BOP correctly cites the underlying legal decision, the bureau cannot be assured that every investigator understands its procedures for misconduct investigations and that interviewees fully understand their rights and obligations when OIA investigators conduct compelled interviews.

By revising its investigative policy to correctly cite Kalkines v. United States, BOP will accurately state the applicable legal basis for the administrative warning for compelled interviews. Doing so will avoid the risk of

<sup>40</sup>GAO-25-107721.

confusion among investigators and interviewees regarding the type of interview being conducted, BOP's procedures for conducting those interviews, and employees' rights during administrative investigations.

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## BOP Has Not Fully Informed Incarcerated Individuals About Employee Conduct Offenses Affecting Health and Safety

BOP has two mechanisms for communicating to incarcerated individuals the types of employee misconduct they may observe and ways to report that misconduct—an orientation handbook provided to each incarcerated individual and signage posted across the facility.<sup>41</sup> However, despite BOP's *Standards of Employee Conduct* identifying 73 categories of misconduct offenses, the two mechanisms communicate offenses related only to sexual misconduct and do not include others affecting health and safety.

For example, in our analysis of the orientation handbooks from the three facilities we visited, we found that the handbooks discussed employee misconduct only in the context of sexual abuse and harassment, which represent a subset of the 73 categories of misconduct offenses. In contrast, the handbook omits other offenses that could affect incarcerated individuals' health and safety. In our review of the 73 employee misconduct offenses, we identified four examples of Category 1 offenses that affect incarcerated individuals' health and safety that the orientation handbooks do not address.<sup>42</sup> These four are:

- Physical abuse of an incarcerated individual or excessive use of force involving an incarcerated individual.
- Receiving gifts, favors, or bribes in connection with official duties.
- Introduction of a weapon (non-firearm).
- Introduction of a firearm.

According to BOP officials, while facilities have some discretion about what to include in their handbooks, the sections discussing employee offenses are standardized, specifically those addressing the Prison Rape Elimination Act of 2003 (PREA).<sup>43</sup>

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<sup>41</sup>According to BOP officials, the orientation handbooks are provided to all incarcerated individuals upon their admission to a BOP facility. The handbooks contain information about the institution's rules and regulations, as well as information about the incarcerated individuals' rights and responsibilities. Additionally, as part of the orientation process, facilities provide a briefing to incarcerated individuals covering, among other things, a discussion of sexual misconduct-related offenses and list of mechanisms to report sexual misconduct.

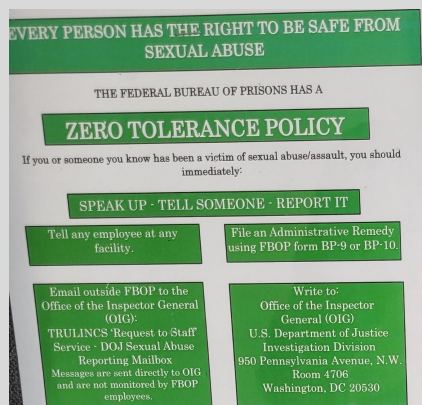
<sup>42</sup>To illustrate examples of employee misconduct offense types that BOP does not include in its Admissions and Orientation handbooks, we focused our analysis on Category 1 offenses. These examples are not inclusive of all employee misconduct offenses that may affect incarcerated individuals' health and safety.

<sup>43</sup>Pub. L. No. 108-79, 117 Stat. 972.

## Physical media posted at two Bureau of Prisons Facilities (BOP)



Signage posted in a housing unit at Federal Correctional Complex Victorville in California.



Sign posted in a housing unit at Federal Correctional Complex Hazelton in West Virginia.

Source: Bureau of Prisons (photos). | GAO-25-107339

Additionally, we observed that signs posted in the three facilities notified incarcerated individuals solely about how to report sexual misconduct, including the phone number to call to make the report. None of the signs in the three facilities noted that incarcerated individuals could report other types of employee misconduct. According to BOP's program policy, signage is standard across BOP to ensure information is visible to incarcerated individuals.<sup>44</sup> See Appendix IV for an example of a misconduct-related sign posted in the facilities we visited.

At one of the facilities we visited, an incarcerated individual told us he is aware of how to report sexual misconduct from the information described in the orientation handbook. However, he was not fully aware of the other types of employee misconduct offenses that may be committed against him that are reportable. For example, he stated that during a lockdown, guards used profanity or threatened to kick him if he did not lie on the ground. While he felt that those actions could be misconduct offenses, he was not aware of the full standards to which employees should be held. He also said that the signs posted around the facility appear to be applicable to reporting employee offenses that are criminal, and not necessarily for lesser types of employee misconduct. Appendix V contains further examples of the perspectives incarcerated individuals shared during our interviews.

<sup>44</sup>Department of Justice, Bureau of Prisons, *Program Statement 5324.12: Sexually Abusive Behavior Prevention and Intervention Program* (June 4, 2015).

BOP officials said that facilities use orientation handbooks and signs posted in the facilities primarily to inform incarcerated individuals about employee misconduct offenses. Further, BOP officials stated that the bureau's policy requires signs to be posted in facilities providing the methods to report an incident of sexual abuse, regardless of whether it was an incarcerated individual or employee perpetrator. Officials added that although the orientation handbooks provide information on sexual misconduct and methods to report it, their overall strategy for communicating misconduct is discretionary.<sup>45</sup>

Our past work on organizations achieving results showed that creating an effective, ongoing communication strategy is essential to building trust, ensuring consistency of message, encouraging two-way communication, and providing information to meet specific needs of employees and stakeholders.<sup>46</sup>

By limiting the information communicated with incarcerated individuals to only certain types of employee misconduct offenses, BOP is curtailing the scope and nature of allegations that incarcerated individuals might otherwise report. Additionally, this could lead to underreporting of misconduct and result in BOP lacking a full understanding of the nature and extent of employee misconduct. Developing a communication strategy to fully inform incarcerated individuals about employee misconduct offenses that affect their health and safety would increase awareness about the standards BOP is trying to uphold and help ensure facility safety and employee accountability.

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## BOP Does Not Routinely and Systemically Use Employee Feedback on Standards of Employee Conduct Training

BOP's central office designs and develops the bureau's *Standards of Employee Conduct* training curriculum, along with a tool for collecting feedback. According to BOP officials, its facilities are then responsible for delivering the training. However, BOP officials stated that its facilities are not routinely and systematically sharing employee feedback with the bureau's central office to make informed decisions on improving the training curriculum's design, delivery, and overall effectiveness.

According to BOP officials, the *Standards of Employee Conduct* training entails specific modules in two phases for new hires.<sup>47</sup> There is also annual training for all BOP employees. Additionally, BOP officials told us the central office designed a course evaluation tool to solicit participants' feedback.<sup>48</sup> The tool gauges (1) whether course content met participants' expectations and the stated course objective, (2) if sufficient time was allotted,

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<sup>45</sup>Department of Justice, Bureau of Prisons, *Program Statement 5324.12: Sexually Abusive Behavior Prevention and Intervention Program* (June 4, 2015).

<sup>46</sup>[GAO-03-669](#).

<sup>47</sup>New employees receive the first phase of training at the facility where they work and the second phase at BOP's training academy in Glynco, Georgia.

<sup>48</sup>BOP's course evaluation is required for training classes lasting 8 hours or more. BOP officials said employees are also allowed to provide feedback verbally and in writing, such as through email. Officials added that feedback provided through email is shared with the Subject Matter Expert for review and included in updates to the material.



(3) whether training delivery was adequate, and (4) if the instructor seemed knowledgeable about the subject matter and was well prepared.<sup>49</sup>

According to BOP officials, the central office developed the feedback tool, and the bureau's facilities are responsible for disseminating it and reviewing the feedback results.<sup>50</sup> Additionally, BOP officials stated facilities have the discretion to report any or all feedback to the appropriate regional office.<sup>51</sup> According to BOP officials, in instances when the regional offices receive feedback from the bureau's facilities, they are required to share it with the Central Office. However, officials responsible for developing and updating the national curriculum for the *Standards of Employee Conduct* told us they have not received any feedback from facilities or regional offices on training relevant to the curriculum. As a result, they have made no changes to national curriculum based upon employee feedback provided through the evaluation tool.<sup>52</sup>

During our interviews with 13 officers at the three facilities we visited, six had taken the training and provided us with their views.<sup>53</sup> According to these six officers, they would like to see specific improvements to the annual training. For example, the officers would like to spend more time discussing real-life scenarios to help them to better understand how to apply the *Standards of Employee Conduct* in their operating environment. From their perspectives, this would better prepare them for the challenges they experience in the facility. Additionally, the officers told us they would like clearer explanations about the types of employee misconduct offenses and discipline that can result from those offenses.

Similarly, in our conversations with the local unions from the three facilities, all three union presidents noted that the annual training does not provide detailed information on the *Standards of Employee Conduct*. One local president specifically recommended that the annual training should include more scenario-based training that teaches staff how to anticipate and handle situations that arise with incarcerated individuals.

BOP officials said its facilities have not systematically and routinely shared employee feedback with the regional and central offices because the facilities have the discretion to make minor edits to the *Standards of Employee Conduct* training curriculum. For example, facilities can add content such as scenario discussions and make changes to the design. However, officials added that the facilities cannot remove content from the standardized training.

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<sup>49</sup>BOP's course evaluation tool includes 12 questions focused on the instructor's presentation and the extent the employee agrees or disagrees with the question. Additionally, the tool includes four questions about the subject matter of the course, including questions about what was best about the course and what could be improved.

<sup>50</sup>Officials from three BOP facilities stated that the employee feedback collected for the *Standards of Employee Conduct* training is not reported to the regional offices because 1) there may not have been any feedback collected on the training segment or 2) the facilities training committee reviewed and discussed the employee feedback in its quarterly training meeting.

<sup>51</sup>Officials from three BOP facilities stated that they do not have specific criteria for reporting employee feedback to the regional offices. Further, officials from one facility stated that in those instances when feedback is reported, it is based on specific responses; validity of suggestions; and quantifiable results on how the training was presented.

<sup>52</sup>Additionally, officials from three facilities stated that they have not used employee feedback to make changes to the design, development, or delivery of *Standards of Employee Conduct* training.

<sup>53</sup>The other seven officers were too new to have taken the training yet, did not share views on the training, or declined to participate in the interview.

Leading practices for assessing strategic training in the federal government state that agencies should evaluate and assess the extent to which training and development efforts contribute to improved performance and results. Specifically, agencies should among others (1) systematically plan for and evaluate the effectiveness of their training and development efforts, (2) use the appropriate analytical approaches to assess their training and development programs, and (3) incorporate evaluation feedback into the planning, design, and implementation of their training and development efforts.<sup>54</sup>

Without a routine and systematic approach for sharing and leveraging feedback specific to the *Standards of Employee Conduct* training with appropriate offices, BOP is missing opportunities to ensure the training meets both its stated objectives and employee expectations and needs. By developing such an approach, BOP will be positioned to improve the training’s design, delivery, and overall effectiveness in preventing employee misconduct.

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## BOP Has Not Fully Incorporated Data Analysis, Planning, and Evaluation Mechanisms into Misconduct Management

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### BOP Collects Employee Misconduct Data, but Conducts Limited Analysis of Trends

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Although BOP collects data on employee misconduct, it conducts limited analysis of trends in the volume, type, or location of allegations. Specifically, OIA stores allegations of employee misconduct in its case management system and uses the data to release annual, publicly available reports on the number and type of offenses alleged in that fiscal year, among other information. However, these reports lack data on the facilities and regions where the allegations originated and the total number of open cases. Further, while they compare employee misconduct data from the current fiscal year to the prior fiscal year, they do not identify trends across more than 2 years. OIA officials said they have not considered conducting further analysis of trends in employee misconduct. Moreover, officials across the bureau said they do not use OIA’s annual reports to inform operations, such as the development of training.

Our analysis of BOP data from fiscal years 2014 through 2024 demonstrates that the data BOP already collects can provide insight into misconduct trends by type, volume, and facility. Specifically, the total number of employee misconduct allegations reported per year ranged from 7,658 to 12,168 from fiscal years 2014 through 2023 before increasing to 14,907 in fiscal year 2024. According to BOP officials, the increase may have been driven by allegations resulting from widespread sexual misconduct at Federal Correctional Institution Dublin and BOP’s increased emphasis on encouraging employees and incarcerated individuals to report misconduct, among other factors.<sup>55</sup> Additionally, figure 4 shows that certain types of misconduct allegations were consistently prominent from fiscal years 2014 through 2024, while others increased during this period. For example:

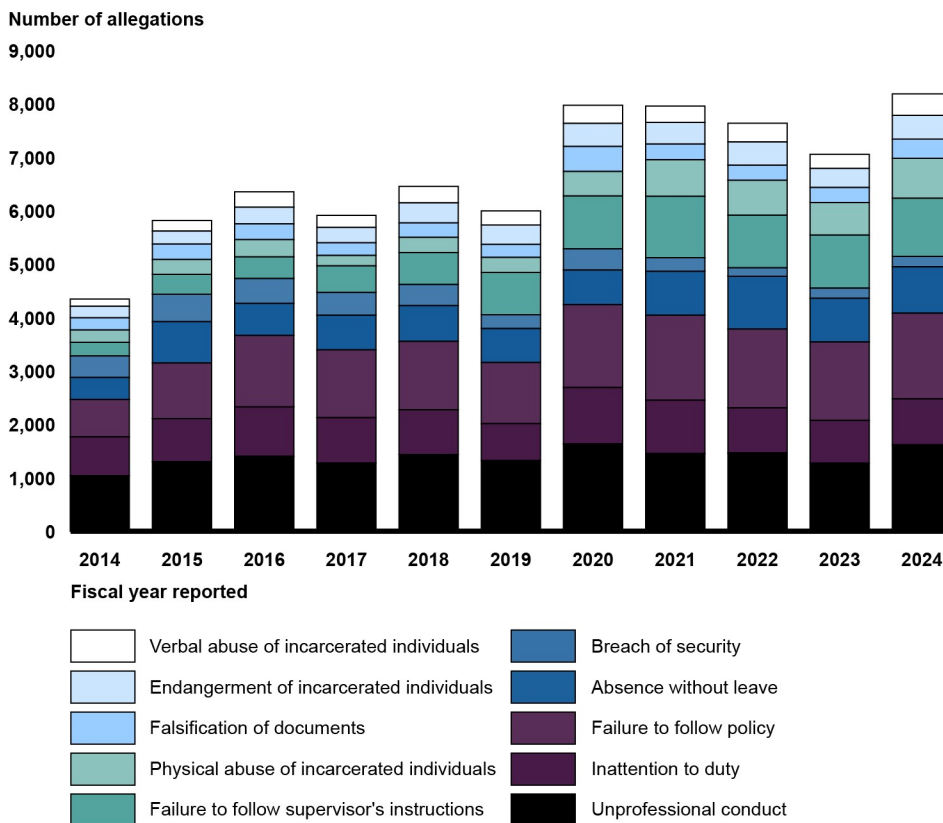
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<sup>54</sup>[GAO-04-546G](#).

<sup>55</sup>Since 2022, several BOP employees have been charged with or convicted of sexually abusing incarcerated women at Federal Correctional Institution Dublin in California, including the facility’s former warden. BOP closed Dublin and transferred the incarcerated population to other facilities. Department of Justice, U.S. Attorney’s Office, Northern District of California, *Ninth and Tenth FCI Dublin Correctional Officers Charged with Sexual Abuse of Female Inmates* (June 26, 2025). Department of Justice, Bureau of Prisons, *Statement of William W. Lothrop: Update Regarding Former FCI Dublin Inmates* (February 26, 2025).

- The most frequently alleged types of misconduct each fiscal year were generally unprofessional conduct and failure to follow policy.<sup>56</sup>
- Allegations of employees being absent without leave and failing to follow their supervisors' instructions generally increased from fiscal years 2014 through 2024. According to BOP officials, failure to follow supervisors' instructions can often take the form of refusing to work a mandatory overtime shift.<sup>57</sup> Mandated overtime can cause low morale, fatigue, and make it challenging for employees to meet family obligations, according to union officials and correctional officers at the three BOP facilities we visited.

**Figure 4: Ten Most Frequent Misconduct Offenses Alleged Against Bureau of Prisons Employees, Fiscal Years 2014 – 2024**



Source: GAO analysis of Bureau of Prisons data. | GAO-25-107339

<sup>56</sup>These categories generally constitute noncriminal, administrative misconduct. Examples of unprofessional conduct include profanity and harassment of employees or incarcerated individuals.

<sup>57</sup>We previously reported that BOP's overtime expenditures increased by 102 percent from fiscal year 2015 through 2019 and later continued to grow, increasing by 43 percent from 2021 through 2024. GAO, *Bureau of Prisons: Opportunities Exist to Better Analyze Staffing Data and Improve Employee Wellness Programs*, [GAO-21-123](#) (Washington, D.C.: Feb 24, 2021). [GAO-25-107743](#).

#### Accessible Data for Figure 4: Ten Most Frequent Misconduct Offenses Alleged Against Bureau of Prisons Employees, Fiscal Years 2014 – 2024

| Fiscal year reported | Unprofessional conduct | Inattention to duty | Failure to follow policy | Absence without leave | Breach of security | Failure to follow supervisor's instructions | Physical abuse of incarcerated individuals | Falsification of documents | Endangerment of incarcerated individuals | Verbal abuse of incarcerated individuals |
|----------------------|------------------------|---------------------|--------------------------|-----------------------|--------------------|---------------------------------------------|--------------------------------------------|----------------------------|------------------------------------------|------------------------------------------|
| 2014                 | 1,040                  | 727                 | 697                      | 414                   | 404                | 254                                         | 232                                        | 228                        | 216                                      | 133                                      |
| 2015                 | 1,304                  | 803                 | 1,041                    | 775                   | 513                | 372                                         | 279                                        | 288                        | 244                                      | 197                                      |
| 2016                 | 1,404                  | 923                 | 1,339                    | 598                   | 466                | 406                                         | 324                                        | 292                        | 313                                      | 289                                      |
| 2017                 | 1,277                  | 848                 | 1,271                    | 648                   | 426                | 497                                         | 196                                        | 235                        | 288                                      | 225                                      |
| 2018                 | 1,437                  | 837                 | 1,279                    | 671                   | 394                | 598                                         | 285                                        | 270                        | 376                                      | 309                                      |
| 2019                 | 1,323                  | 692                 | 1,142                    | 637                   | 259                | 790                                         | 283                                        | 243                        | 364                                      | 263                                      |
| 2020                 | 1,633                  | 1,056               | 1,553                    | 646                   | 397                | 989                                         | 461                                        | 468                        | 431                                      | 339                                      |
| 2021                 | 1,455                  | 999                 | 1,590                    | 821                   | 255                | 1,149                                       | 683                                        | 296                        | 403                                      | 306                                      |
| 2022                 | 1,466                  | 844                 | 1,474                    | 989                   | 159                | 983                                         | 653                                        | 283                        | 434                                      | 351                                      |
| 2023                 | 1,273                  | 801                 | 1,469                    | 818                   | 189                | 992                                         | 611                                        | 280                        | 357                                      | 266                                      |
| 2024                 | 1,620                  | 857                 | 1,606                    | 867                   | 193                | 1,091                                       | 747                                        | 360                        | 443                                      | 401                                      |

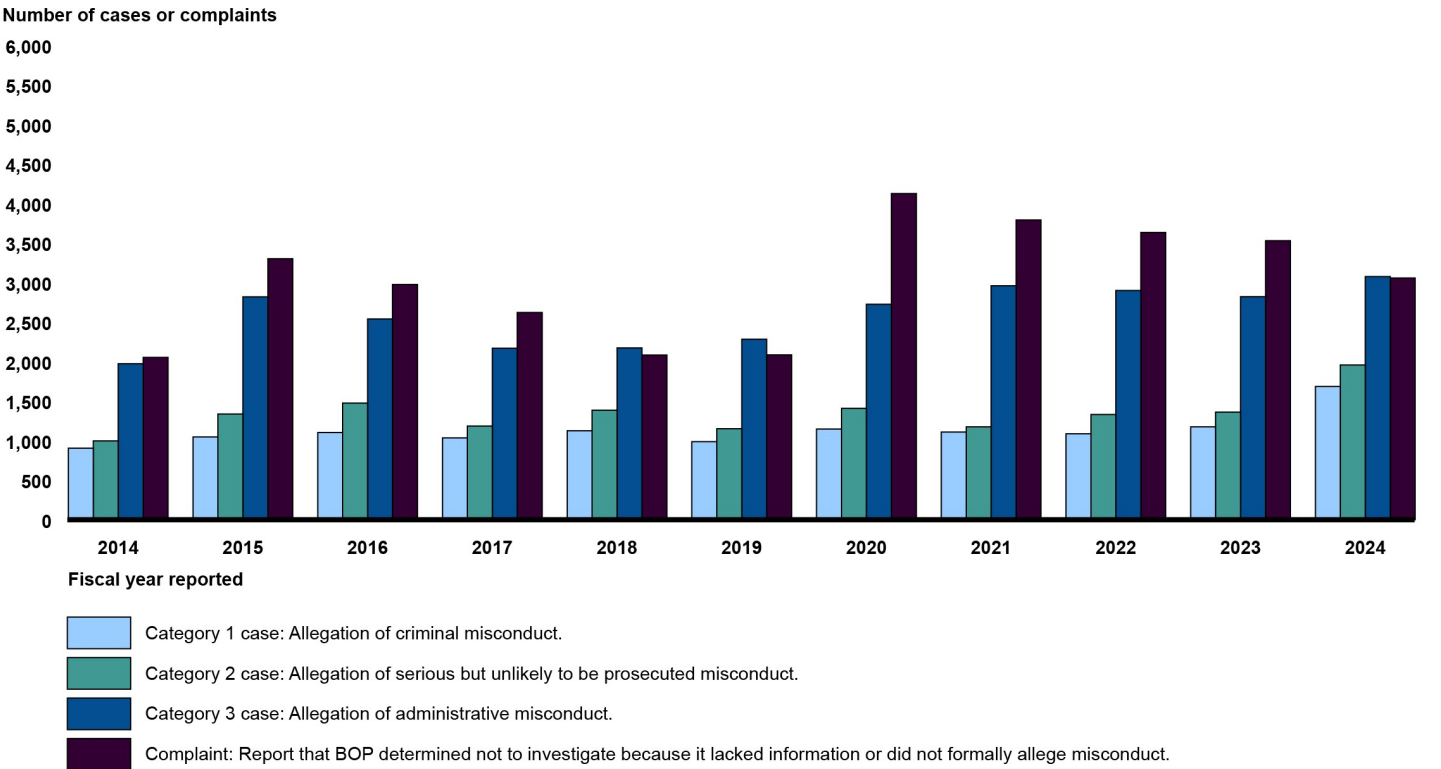
Source: GAO analysis of Bureau of Prisons data. | GAO-25-107339

Note: This figure represents the ten most frequently alleged offenses reported from fiscal years 2014 through 2024. The total number of allegations reported per fiscal year, including those pictured above, ranged from 7,658 in 2014 to 14,907 in 2024. The Bureau of Prisons Office of Internal Affairs received allegations of 146 other types of offenses during this period. Other frequently alleged offenses included unprofessional conduct of a sexual nature, the appearance of inappropriate relationships with incarcerated individuals, and failure to report rule violations.

As previously discussed, OIA categorizes allegations as complaints, which do not warrant investigation, or as cases, which do warrant investigation. Cases fall into one of three categories based on the severity of the allegation: (1) criminal misconduct, (2) serious misconduct, and (3) administrative misconduct. Because one case or complaint can include multiple employees and multiple allegations per employee, the volume of cases and complaints is lower than that of allegations. Additionally, one employee may be the subject of multiple cases or complaints.

Figure 5 shows that the number of cases and complaints per year generally increased over time, from 5,921 total cases and complaints reported in fiscal year 2014 to 9,769 cases and complaints in fiscal year 2024. Specifically, complaints nearly doubled between fiscal years 2019 and 2020. Overall volume remained subsequently higher from fiscal years 2021 through 2024 than in the years preceding 2020, and BOP opened a higher number of cases and complaints in fiscal year 2024 than in any prior year we examined. As previously discussed, allegations reported per year also increased during this period. Cases outnumbered complaints in each fiscal year, which means OIA determined that the majority of allegations it received included enough information to warrant an investigation.

Figure 5: Number of Bureau of Prisons (BOP) Employee Misconduct Cases and Complaints by Fiscal Year of Report, 2014 – 2024



Source: GAO analysis of BOP data. | GAO-25-107339

Accessible Data for Figure 5: Number of Bureau of Prisons (BOP) Employee Misconduct Cases and Complaints by Fiscal Year of Report, 2014 – 2024

| Fiscal year reported | Category 1 Case: Allegation of criminal misconduct. | Category 2 Case: Allegation of serious but unlikely to be prosecuted misconduct. | Category 3 Case: Allegation of administrative misconduct. | Complaint: Report that BOP determined not to investigate because it lacked information or did not formally allege misconduct. |
|----------------------|-----------------------------------------------------|----------------------------------------------------------------------------------|-----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| 2014                 | 903                                                 | 995                                                                              | 1,971                                                     | 2,052                                                                                                                         |
| 2015                 | 1,045                                               | 1,335                                                                            | 2,817                                                     | 3,300                                                                                                                         |
| 2016                 | 1,101                                               | 1,474                                                                            | 2,537                                                     | 2,973                                                                                                                         |
| 2017                 | 1,033                                               | 1,184                                                                            | 2,168                                                     | 2,620                                                                                                                         |
| 2018                 | 1,123                                               | 1,383                                                                            | 2,171                                                     | 2,082                                                                                                                         |
| 2019                 | 986                                                 | 1,149                                                                            | 2,282                                                     | 2,084                                                                                                                         |
| 2020                 | 1,146                                               | 1,407                                                                            | 2,724                                                     | 4,123                                                                                                                         |
| 2021                 | 1,107                                               | 1,174                                                                            | 2,958                                                     | 3,789                                                                                                                         |
| 2022                 | 1,086                                               | 1,329                                                                            | 2,898                                                     | 3,632                                                                                                                         |
| 2023                 | 1,174                                               | 1,360                                                                            | 2,820                                                     | 3,527                                                                                                                         |
| 2024                 | 1,684                                               | 1,955                                                                            | 3,074                                                     | 3,056                                                                                                                         |

Source: GAO analysis of BOP data. | GAO-25-107339

Note: While BOP’s Office of Internal Affairs investigates most cases, a small number are investigated by the Department of Justice, Office of the Inspector General or another body, such as the Federal Bureau of Investigation. This figure excludes 49 observations that were missing a value in the data field that distinguishes between cases and complaints.

Moreover, our analysis demonstrated that some facilities had consistently high employee misconduct workloads. Table 5 shows the ten facilities with the highest number of employee misconduct complaints and cases from October 2013 through February 2025. These facilities generally received hundreds of cases and complaints per fiscal year. Across the 99 BOP facilities that received misconduct allegations during this time, OIA opened a total of 86,193 cases and complaints from October 2013 through February 2025, at an approximate average of 542 cases and 329 complaints per facility.<sup>58</sup>

**Table 5: Bureau of Prisons (BOP) Correctional Facilities with the Highest Number of Employee Misconduct Cases and Complaints, October 2013–February 2025**

| Facility                                   | State          | Number of cases reported <sup>a</sup> | Number of complaints reported <sup>b</sup> | Total cases and complaints reported |
|--------------------------------------------|----------------|---------------------------------------|--------------------------------------------|-------------------------------------|
| Coleman Federal Correctional Complex (FCC) | Florida        | 2,584                                 | 2,010                                      | 4,594                               |
| Beaumont FCC                               | Texas          | 1,850                                 | 1,552                                      | 3,402                               |
| Florence FCC                               | Colorado       | 1,839                                 | 1,229                                      | 3,068                               |
| Yazoo City FCC                             | Mississippi    | 1,759                                 | 637                                        | 2,396                               |
| Butner FCC                                 | North Carolina | 1,578                                 | 637                                        | 2,215                               |
| Victorville FCC                            | California     | 1,426                                 | 585                                        | 2,011                               |
| Brooklyn Metropolitan Detention Center     | New York       | 1,639                                 | 307                                        | 1,946                               |
| Tucson FCC                                 | Arizona        | 1,014                                 | 908                                        | 1,922                               |
| Pollock FCC                                | Louisiana      | 1,197                                 | 694                                        | 1,891                               |
| Atlanta U.S. Penitentiary                  | Georgia        | 1,097                                 | 732                                        | 1,829                               |
| <b>Total</b>                               | <b>total</b>   | <b>15,983</b>                         | <b>9,291</b>                               | <b>25,274</b>                       |

Source: GAO analysis of BOP data. | GAO-25-107339

Note: This table represents the ten correctional facilities with the highest number of employee misconduct cases and complaints reported from October 2013 through February 2025. Eight of these were complexes that include multiple co-located facilities, and all ten were large facilities that incarcerate more than one thousand individuals. During this period, BOP received a total of 86,193 allegations across 99 facilities, excluding regional and central offices and other settings. This table excludes eight observations that were missing a value in the data field that distinguishes between cases and complaints.

<sup>a</sup>BOP categorizes allegations as cases if they include sufficient information to warrant investigation, according to officials. While BOP’s Office of Internal Affairs investigates most cases, a small number are investigated by the Department of Justice, Office of the Inspector General or another body, such as the Federal Bureau of Investigation.

<sup>b</sup>Complaints are reports of misconduct that BOP determines it will not investigate because the reports do not have all necessary information or do not formally allege a misconduct offense.

According to officials, OIA’s case management system is designed to store and manage files, rather than facilitate analysis. Officials from another BOP unit—the Information Technology and Data Division—said that the system does not enable users to easily retrieve all data elements without certain technical capabilities.<sup>59</sup>

<sup>58</sup>Complexes are consolidated and reported as one facility. Additionally, this calculation includes only misconduct allegations against employees at BOP correctional facilities, excluding those in central and regional offices; reentry centers where individuals live while transitioning toward release; and other settings.

<sup>59</sup>BOP’s Information Technology and Data Division’s oversight areas include records management and research. According to BOP, the division is committed to collecting and disseminating useful, accurate, and timely information to BOP staff, DOJ, Congress, and other stakeholders.

They also stated that their division can retrieve more detailed data from the system, such as the data we analyzed, but OIA has not asked for their assistance in retrieving data. Additionally, OIA officials stated that their focus is on investigating cases, not data analysis. Likewise, they said that OIA does not have the resources or expertise for data analysis. However, BOP's Information Technology and Data Division and Program Review Division have analytical responsibilities.

BOP policy states that OIA is responsible for maintaining a database of all employee misconduct allegations to provide information about trends and ensure accountability.<sup>60</sup> BOP has also prioritized the use of data as part of the bureau-wide strategic goals it established in November 2024.<sup>61</sup> In addition, *Standards for Internal Control in the Federal Government* state that management should use quality information to achieve the organization's objectives and make informed decisions, which includes processing data into quality information that is appropriate, complete, and accessible.<sup>62</sup>

Without robust data analysis, BOP has not been able to capitalize on the information it already collects and fulfill OIA's obligations. Developing an approach to routinely assess misconduct data, look for trends across years and within and across facilities, and identify challenge areas could better inform BOP's management of the employee misconduct workload. For example, BOP could identify increasing or persistent trends in certain offense types that may indicate broader misconduct issues at specific facilities or across the agency. Implementing targeted approaches to address trends and challenge areas could help focus BOP's efforts to prevent misconduct and decrease related workloads. For example, understanding these trends could help BOP target its training by (1) informing facility employees of the most prevalent types of misconduct and how to avoid them and (2) providing investigators and officials responsible for imposing discipline with strategies to address those prevalent case types expeditiously.

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## BOP Does Not Have a Comprehensive Plan to Ensure Accountability for Investigating and Disciplining Employee Misconduct Cases

BOP has taken steps to reduce the number of open employee misconduct cases, but has not created a comprehensive plan to hold relevant offices accountable for their roles in investigating and disciplining employee misconduct cases. Our analysis of BOP OIA's data identified 12,153 employee misconduct cases that were reported from October 2013 through February 2025 and remained open as of February 2025, as shown in figure 6.<sup>63</sup> The majority of these cases were awaiting action from various BOP offices involved in the employee disciplinary process.

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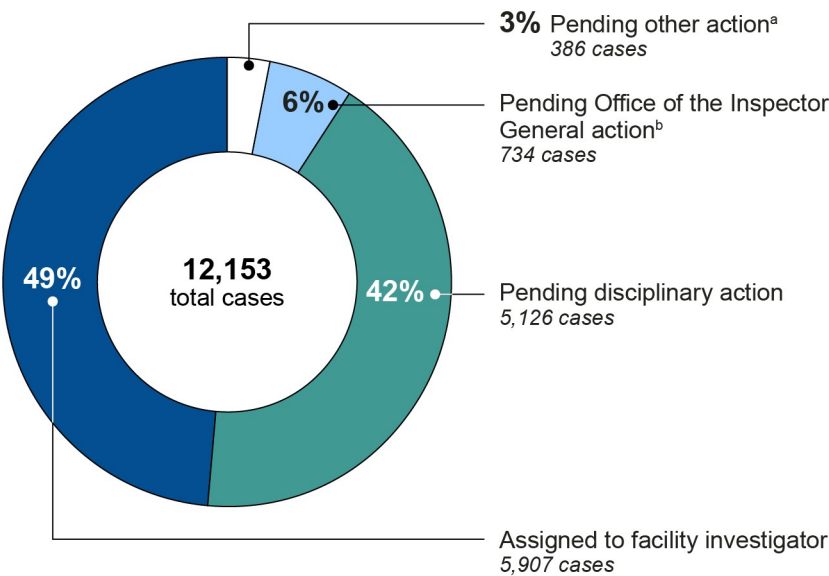
<sup>60</sup>Department of Justice, Bureau of Prisons, *Program Statement 1210.25: Office of Internal Affairs*.

<sup>61</sup>Department of Justice, Bureau of Prisons, *FBOP Response – GAO High-Risk Metrics*. These goals were established prior to the change in presidential administration. As of June 2025, BOP officials said that the new BOP Director was reviewing all preexisting efforts and initiatives.

<sup>62</sup>[GAO-25-107721](#).

<sup>63</sup>The data presented here represents employee misconduct cases reported to BOP October 2013 through February 2025 that remained open as of February 27, 2025, when BOP retrieved the data from its system. As such, cases created prior to October 2013 are not included.

Figure 6: Number and Status of Open Bureau of Prisons (BOP) Employee Misconduct Cases as of February 2025



Source: GAO analysis of BOP data. | GAO-25-107339

Accessible Data for Figure 6: Number and Status of Open Bureau of Prisons (BOP) Employee Misconduct Cases as of February 2025

| Status                                                     | Number of cases | Percentage     |
|------------------------------------------------------------|-----------------|----------------|
| Pending other action <sup>a</sup>                          | 386             | 3%             |
| Pending Office of the InspectorGeneral action <sup>b</sup> | 734             | 6%             |
| Pending disciplinary action                                | 5,126           | 42%            |
| Assigned to facility investigator                          | 5,907           | 49%            |
| Total cases                                                | 12,153          | Not applicable |

Source: GAO analysis of BOP data. | GAO-25-107339

Note: This figure includes employee misconduct cases that were reported from October 2013 through February 2025 and remained open as of February 27, 2025, when BOP retrieved the data from its system. As such, cases reported prior to October 2013 are not included.

<sup>a</sup>Cases pending other action included those undergoing review of a completed case file and those awaiting an investigation by central Office of Internal Affairs investigators, who typically investigate more complex cases than facility-assigned investigators.

<sup>b</sup>Cases pending Office of the Inspector General action were either under consideration for investigation or actively being investigated by that agency.

According to BOP officials, the large caseload accumulated as a result of OIA’s understaffing and its previous structure. Prior to a recent realignment, investigators were responsible for investigating allegations of incarcerated individuals’ misconduct as well as employee misconduct, and they reported to the wardens of their facilities. According to BOP officials, wardens did not consistently prioritize employee misconduct cases.

Since 2023, the bureau has taken the following steps to reduce the pending caseload.

- **Realigning and increasing relevant staff.** BOP realigned all employee misconduct investigators to report to OIA, rather than to wardens. According to OIA officials, this change—which took place in 2023—streamlined the reporting process and focused investigators’ responsibilities solely on employee misconduct cases. BOP also increased the staffing of OIA by 119 positions, adding 32 new facility investigator positions as well as additional supervisory and support positions. Additionally, BOP added 14



positions to the Office of General Counsel Employment Law Branch and designated certain positions to focus solely on reviewing discipline letters.

- **OIA strike teams.** According to officials, OIA improved an existing effort to deploy “strike teams” of investigators to temporarily assist facilities with high caseloads throughout 2023 and 2024. This effort preceded the 2023 OIA realignment, but did not consistently produce results due to a lack of preparation and strategy, according to officials. Since the realignment, OIA has ensured that strike teams prepare more extensively to maximize their time onsite. For example, before traveling, strike teams acquire and review case files from the facility, schedule investigative interviews, and ensure the local union is available if employees have requested representation in those interviews.

Additionally, OIA began collecting data on the number of strike teams deployed and the number of cases they closed. According to the data, OIA deployed 16 strike teams to 11 different facilities in fiscal year 2024, closing a total of 1,085 cases. Officials said while they do not have a formal method of evaluating this effort, they consider a strike team successful when it reduces enough cases for the facility’s assigned investigators to manage their caseload without further assistance.

- **Discipline review initiative.** In June 2023, BOP began an effort to expedite the discipline review process for cases that would result in a penalty no more severe than a 10-day suspension, with some exceptions.<sup>64</sup> Prior to the initiative, both the Employment Law Branch and the Human Resources units at the appropriate regional offices reviewed all letters proposing and finalizing disciplinary penalties.<sup>65</sup> Currently, the Employment Law Branch does not review letters meeting the initiative’s criteria.

Following these steps, BOP closed more cases in fiscal year 2024 than in any other year from 2014 through 2023. According to BOP documentation, cases are generally closed in the system after (1) OIA completes an investigation and determines no allegations are sustained, or (2) OIA finds that at least one allegation is sustained—that is, upheld by evidence—and BOP imposes disciplinary action on the employee. Specifically, BOP closed 6,842 cases in fiscal year 2024, compared to 3,902 cases in fiscal year 2023. These cases may have been created in the same fiscal year they were closed or in a prior fiscal year. See appendix VI for further data on the outcomes of cases closed during this period.

However, as discussed above, a substantial pending caseload persists across the investigative and disciplinary phases of the employee disciplinary process, and BOP has not developed a comprehensive plan for investigating and disciplining misconduct cases. We have previously reported that sound planning calls for organizations to develop plans that (1) identify necessary activities, resources, and milestones and (2) designate roles, responsibilities, and coordination within the organization. These practices help organizations achieve desired results and ensure accountability. Additionally, *Standards for Internal Control in the Federal Government* state that management should use quality information to make informed decisions and evaluate the agency’s performance in achieving key objectives and addressing risks.<sup>66</sup>

<sup>64</sup>According to BOP documentation, cases of serious misconduct, such as excessive use of force, are exempt from the discipline review initiative, regardless of the disciplinary action proposed. Cases in which the employee being disciplined is a manager or other prominent official are also exempt.

<sup>65</sup>According to BOP officials and documentation, reviewing officials verify that discipline letters include all required information and that the proposed penalty is consistent with prior discipline cases of a similar nature, among other factors.

<sup>66</sup>GAO-09-398, 42-43. [GAO-04-408T](#). [GAO-25-107721](#).

The steps BOP has taken to reduce the pending caseload have left some gaps. For example:

- **BOP has not taken a comprehensive approach to understanding the size of the pending caseload across all phases.** BOP has generally reported to Congress and the public on only the number of cases that are pending investigation, without including those that have completed the investigation phase and are awaiting disciplinary action. According to officials, OIA defines its case backlog only in terms of cases that have been pending investigation for 180 days or longer, as the disciplinary phase is not its responsibility. While our analysis identified more than 12,000 open cases across all phases of the employee disciplinary process, BOP has externally reported a smaller sum of cases pending investigation only. For example, in response to follow-up questions related to GAO's High-Risk work, BOP reported that it had 7,290 open cases as of November 2024.
- **BOP has not met internal goals for addressing the employee misconduct caseload.** In a March 2023 response to a DOJ OIG report, BOP officials stated that they expected to reduce the number of cases pending investigation within 2 years, by March 2025.<sup>67</sup> BOP officials repeated this goal in a congressional hearing and GAO interviews throughout 2024, extending the 2-year window multiple times.<sup>68</sup> Most recently, OIA's goal was to reduce the number of cases pending investigation by April 2026. According to BOP officials, the Employment Law Branch has eliminated its backlog of discipline letters received before September 2022. However, BOP has not established a goal for addressing the cases that are pending disciplinary action, or the caseload across all phases as a whole.
- **BOP has not fully assessed the discipline review initiative's effectiveness.** According to BOP officials, the discipline review initiative was not developed with specific time frames, goals, or methods of collecting data to assess its effectiveness in reducing the number of discipline letters pending review. BOP officials said they had begun assessment efforts in February 2025.
- **BOP faces relevant vacancies.** According to documentation, sixteen of the 119 positions BOP added to OIA in 2023 were vacant (13 percent) as of July 2025, as were six of the 14 positions BOP added to the Employment Law Branch in 2023 (43 percent).<sup>69</sup> Additionally, according to officials at three of the six regional offices, the discipline review initiative has been effective at improving the timeliness of discipline. However, the initiative has also increased their workload. BOP added one position to each regional Human Resources office in February 2024. However, in summer 2024, officials at four of the six regional offices discussed vacancies that they felt impacted their ability to manage the discipline review workload.

According to BOP officials, the bureau's primary approach for investigating and disciplining employee misconduct cases consists of

- hiring more employees in some areas,

<sup>67</sup>Department of Justice, Office of the Inspector General, *Limited-Scope Review of the Federal Bureau of Prisons' Strategies to Identify, Communicate, and Remedy Operational Issues* (May 2023). This report recommended that BOP develop a plan to evaluate ongoing and proposed changes to its employee disciplinary process, as well as key performance indicators for decreasing the backlog.

<sup>68</sup>*Examining and Preventing Deaths of Incarcerated Individuals in Federal Prisons*, U.S. Senate Committee on the Judiciary, 118<sup>th</sup> Cong., February 28, 2024.

<sup>69</sup>Specifically, eight OIA facility investigator positions were vacant, three of which had been vacant for more than 2 months as of July 2025. Five central OIA investigator positions had been vacant for a range of 5 to 6 months. Three supervisory investigator positions were vacant, one of which had been vacant for more than 2 months. Additionally, five Employment Law Branch attorney positions and one senior counsel position had been vacant for a range of 2 to 6 months.

- enhancing the direction and oversight of the strike team initiative, and
- streamlining the discipline review process for a subset of cases.

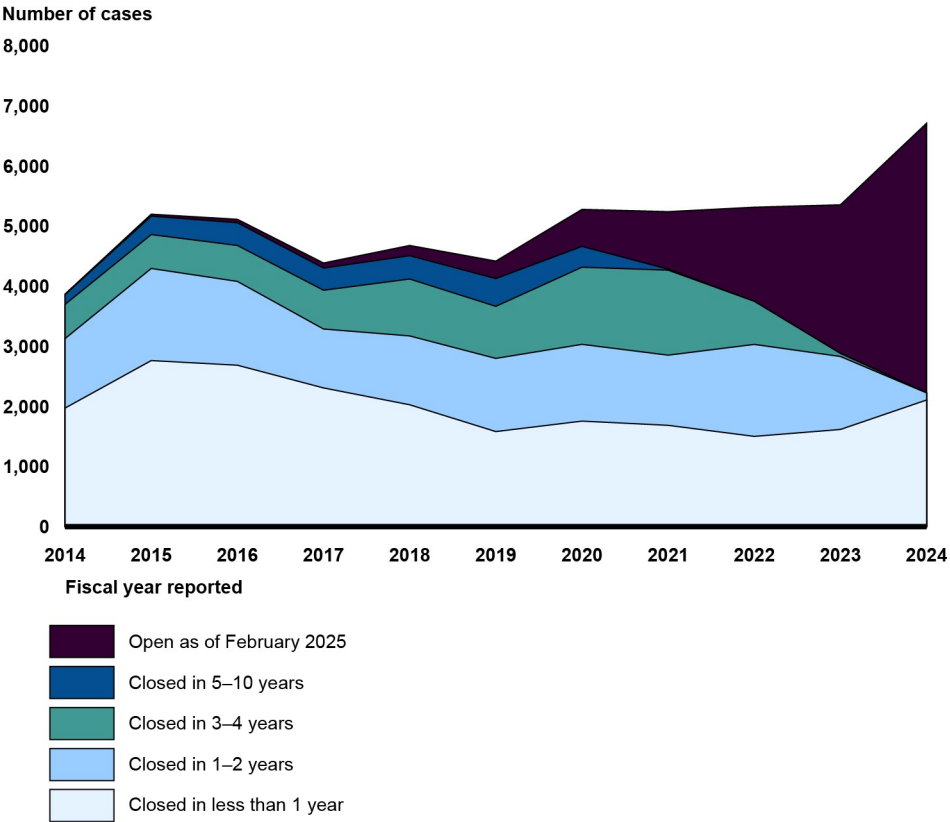
However, these efforts do not constitute a comprehensive plan, according to sound planning practices and *Standards for Internal Control in the Federal Government*, because they do not include milestones or designate key officials' responsibilities. Documenting such a plan that includes these key elements would help BOP identify and allocate the resources necessary for investigating and disciplining employee misconduct cases. Ensuring accountability for implementing that plan across all phases of the employee disciplinary process would help BOP achieve desired results and enhance safety and efficiency.

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## BOP Does Not Have a Method for Comprehensively Evaluating Processing Times for Employee Misconduct Cases

BOP does not have a method for comprehensively evaluating case processing times with the goal of improving timeliness. Our analysis of BOP data demonstrated that the number of years between BOP receiving a report of employee misconduct and closing the case in its system (i.e., processing time) has improved in recent years. For example, the number of cases that BOP closed in less than 1 year increased from 1,501 cases in fiscal year 2022 to 2,106 cases in 2024 (see fig. 7). However, it is not clear whether the improvement in processing time can be attributed to the steps BOP recently took to address the pending employee misconduct caseload because BOP has not comprehensively evaluated the timeliness of its process.

Figure 7: Processing Times for Bureau of Prisons (BOP) Employee Misconduct Cases Reported from Fiscal Years 2014-2024



Source: GAO analysis of Bureau of Prisons data. | GAO-25-107339

Accessible Data for Figure 7: Processing Times for Bureau of Prisons (BOP) Employee Misconduct Cases Reported from Fiscal Years 2014-2024

| Fiscal year reported | Closed in less than 1 year | Closed in 1 - 2 years | Closed in 3 - 4 years | Closed in 5 - 10 years | Open as of November 2024 |
|----------------------|----------------------------|-----------------------|-----------------------|------------------------|--------------------------|
| 2014                 | 1,972                      | 1,156                 | 569                   | 163                    | 9                        |
| 2015                 | 2,762                      | 1,532                 | 564                   | 307                    | 32                       |
| 2016                 | 2,685                      | 1,394                 | 598                   | 378                    | 57                       |
| 2017                 | 2,307                      | 980                   | 645                   | 369                    | 84                       |
| 2018                 | 2,027                      | 1,145                 | 947                   | 388                    | 170                      |
| 2019                 | 1,581                      | 1,217                 | 866                   | 462                    | 291                      |
| 2020                 | 1,755                      | 1,277                 | 1,283                 | 346                    | 616                      |
| 2021                 | 1,685                      | 1,167                 | 1,414                 | 17                     | 956                      |
| 2022                 | 1,501                      | 1,530                 | 717                   | 0                      | 1,565                    |
| 2023                 | 1,616                      | 1,214                 | 51                    | 0                      | 2,472                    |
| 2024                 | 2,106                      | 118                   | 0                     | 0                      | 4,486                    |

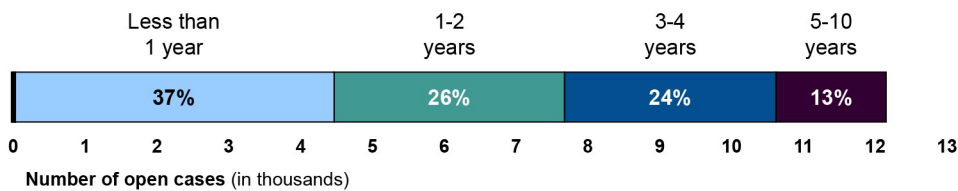
Source: GAO analysis of Bureau of Prisons data. | GAO-25-107339

Note: We define processing time as the number of years between the dates BOP received a report of employee misconduct and closed the case in its system. This figure includes only the cases reported to BOP from fiscal years 2014 through 2024 and excludes four cases that had erroneous data (i.e.,

cases in which the closure date preceded the reported date). While BOP’s Office of Internal Affairs investigates most cases, a small number are investigated by the Department of Justice, Office of the Inspector General or another body, such as the Federal Bureau of Investigation.

Although processing times improved for cases opened in recent years, our analysis demonstrated that timeliness remains a challenge, as many older cases remained open as of February 2025. Specifically, of the 12,153 open employee misconduct cases, 37 percent were 3 or more years old (see fig. 8).

**Figure 8: Length of Time Bureau of Prisons Employee Misconduct Cases Had Been Open as of February 2025**



Source: GAO analysis of Bureau of Prisons data. | GAO-25-107339

**Accessible Data for Figure 8: Length of Time Bureau of Prisons Employee Misconduct Cases Had Been Open as of February 2025**

| Number of years  | Number of open cases | Percentage |
|------------------|----------------------|------------|
| Less than 1 Year | 4,466                | 37%        |
| 1 - 2 Years      | 3,208                | 26%        |
| 3 - 4 years      | 2,943                | 24%        |
| 5-10 Years       | 1,536                | 13%        |

Source: GAO analysis of Bureau of Prisons data. | GAO-25-107339

Note: This figure includes only the cases that were reported from October 2013 through February 2025 and remained open as of February 27, 2025, the date that Bureau of Prisons retrieved the data from its system. As such, cases reported prior to October 2013 are not included. While the Bureau of Prisons’ Office of Internal Affairs investigates most cases, a small number are investigated by the Department of Justice, Office of the Inspector General or another body, such as the Federal Bureau of Investigation.

According to BOP officials, the timeliness of employee misconduct cases can vary in the investigation and disciplinary phase based on the nature and complexity of cases. For example, in the investigation phase, cases may involve numerous witnesses and evidentiary materials to gather and review, which can prolong investigations. Additionally, witnesses or the subject of the investigation may be unavailable to be interviewed, such as when they are on extended medical leave or delayed due to scheduling conflicts or union representation issues.<sup>70</sup> In the disciplinary phase, cases may take longer to review due to a lack of availability or experience among the facility Human Resources staff who prepare discipline letters, according to regional office officials.<sup>71</sup>

According to BOP documentation, officials, and union representatives, lengthy processing times create significant challenges. For example, older cases are more difficult for OIA to investigate because the subject or witnesses may not recall the alleged incident or may have retired or resigned, limiting BOP’s ability to hold

<sup>70</sup>Officials stated that other factors may cause protracted investigations. These include a) investigations conducted by outside entities (FBI, OIG, local law enforcement) where BOP has no control over such matters and b) the need to wait until off-duty criminal matters are adjudicated before BOP or OIG can complete their administrative investigations.

<sup>71</sup>Officials added that other factors may cause protracted disciplinary decisions. These include, in some instances, a) the need for additional materials such as video evidence not obtained during the investigation phase, b) questions to be addressed related to supporting evidence, such as training records or logbooks, c) multiple investigations involving the same subject, and d) the need to address questions about the legal sufficiency of the charge and evidence.

employees accountable. According to union officials, facilities may place employees on administrative leave or reassign them to different duties while they are under investigation. This impacts the facility's staffing levels because those employees are unable to fulfill their normal duties.<sup>72</sup> Finally, these officials stated that lengthy processing times can cause employees to question whether BOP takes misconduct seriously.

BOP does not have a method for evaluating case processing times because its policies do not direct any office to comprehensively evaluate timeliness for each step in the employee disciplinary process with the goal of improving it. Specifically, in our review of BOP Program Statements that establish roles and responsibilities in the employee disciplinary process, we found that there was no directive for any BOP office involved in the disciplinary process to establish or evaluate time frames.<sup>73</sup>

BOP has established target time frames for the completion of some steps in the employee disciplinary process. For example, OIA expects investigators assigned to BOP facilities to complete their investigations within 120 days of receipt. OIA tracks this information in its case management system and uses it to evaluate investigators' performance. Additionally, BOP's *Program Review Guidelines* establish target time frames for facilities' Human Resources offices. These include (1) a 75-day time frame for sending disciplinary proposal letters to the appropriate regional office after receiving a sustained case from OIA and (2) a 20-day time frame for sending final letters to the employee being disciplined after receiving approval from the Employment Law Branch.<sup>74</sup> As part of routine internal audits, facilities must report on whether a sample of their discipline cases met these time frames. Further, the Employment Law Branch has established target time frames to review proposal letters within 45 days of receipt and final letters within 15 days of receipt.

Although some offices involved in the employee disciplinary process follow target time frames, BOP does not have a method for comprehensively evaluating the extent to which misconduct cases meet those targets. Additionally, BOP has not established target time frames for some steps in the employee disciplinary process. For example, while officials from two of the six regional offices said they had established internal time frames for reviewing discipline letters, those time frames differed by office, and officials from the remaining four regional offices said they had not established time frames.

The *Standard for Program Management* states that meaningful measures can help management determine whether outcomes are delivered in a timely manner and, if necessary, propose changes to the program.<sup>75</sup> Establishing target time frames for each step in the employee disciplinary process and developing a method of routinely evaluating the extent to which BOP is meeting targets would help the bureau to track timeliness and identify factors that may be contributing to lengthy processing times. Developing and implementing an approach to addressing those factors would better position BOP to improve the overall timeliness of the employee disciplinary process, resolve cases efficiently, and hold employees accountable.

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<sup>72</sup>We determined that BOP's processes for placing individuals on administrative leave and its method for tracking such placements were outside the scope of this study.

<sup>73</sup>Department of Justice, Bureau of Prisons, *Program Statement 1210.25: Office of Internal Affairs*. Department of Justice, Bureau of Prisons, *Program Statement 3711.01: Labor-Management Relations*. (June 28, 2017).

<sup>74</sup>Department of Justice, Bureau of Prisons, *Program Review Guidelines G3000A.13: Human Resource Servicing Offices*. (August 18, 2021). According to BOP officials, Human Resources experts throughout the bureau worked with the Program Review Division to establish these time frames.

<sup>75</sup>Project Management Institute, Inc., *The Standard for Program Management*, Fifth Edition (2024).

# Multiple DOJ Components Have Roles in Investigating and Prosecuting Allegations of BOP Employee Misconduct

Multiple DOJ agencies and offices have roles in investigating and prosecuting allegations of BOP employee misconduct—see Table 6. However, most allegations involving employee misconduct start with OIA and are referred to the OIG. The OIG then reviews and determines investigative responsibility.

**Table 6: Department of Justice Components’ Roles Investigating and Prosecuting Bureau of Prisons (BOP) Employee Misconduct Cases**

| Component                                               | Roles and responsibilities                                                                                                                                                                                                                                                                                                                  |
|---------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| BOP Office of Internal Affairs (OIA)                    | <ul style="list-style-type: none"><li>Reviews and categorizes employee misconduct allegations; shares serious and prosecutable allegations with OIG for their review and potential investigation.<sup>a</sup></li><li>Conducts administrative investigations that may result in discipline for allegations that OIG declines.</li></ul>     |
| Office of the Inspector General (OIG)                   | <ul style="list-style-type: none"><li>Conducts investigations of serious and criminal allegations of BOP employee misconduct, either independently or jointly with other DOJ investigative agencies.<sup>b</sup></li><li>Refers cases as appropriate to U.S. Attorneys’ Offices and other federal and state prosecuting entities.</li></ul> |
| Civil Rights Division                                   | <ul style="list-style-type: none"><li>Supports other components in some misconduct investigations.</li><li>Investigates and prosecutes, as circumstances warrant, specific matters involving civil rights offenses.<sup>c</sup></li></ul>                                                                                                   |
| Federal Bureau of Investigation (FBI)                   | <ul style="list-style-type: none"><li>Partners with OIG to conduct some BOP employee criminal misconduct investigations, particularly those related to contraband smuggling, use of excessive force, sexual abuse, or other civil rights offenses.</li></ul>                                                                                |
| U.S. Attorneys’ Offices across the 94 federal districts | <ul style="list-style-type: none"><li>Prosecutes criminal employee misconduct cases following OIG or FBI referral. These offices also coordinate with OIG and other investigative agencies (as necessary) throughout the course of an investigation.</li></ul>                                                                              |
| Executive Office for U.S. Attorneys                     | <ul style="list-style-type: none"><li>Provides logistical and administrative support to U.S. Attorneys’ Offices across the country.</li></ul>                                                                                                                                                                                               |

Source: GAO analysis of data and documentation collected from and interviews with the Department of Justice agencies. | GAO-25-107339

<sup>a</sup>OIG ultimately determines whether to accept the allegation for investigation or refer it back to BOP OIA.

<sup>b</sup>In addition to receiving allegations from OIA, OIG may receive allegations through its reporting hotlines for incarcerated individuals, from other government agencies, or from members of the public or nongovernment entities.

<sup>c</sup>Civil Rights Division investigates and prosecutes, as circumstances warrant, civil rights offenses such as failure to protect incarcerated individuals from physical or sexual abuse, failure to provide incarcerated individuals with adequate medical and mental health care, use of excessive force, or discrimination on the basis of a protected class.

As previously discussed, BOP reviews allegations of employee misconduct reported within BOP and categorizes them based on severity. According to BOP’s program statement, OIA refers all Category 1 and 2 allegations to the OIG for their review and shares Category 3 allegations in monthly batches for recordkeeping purposes.<sup>76</sup> Further, the program statement states that in some instances when criminal misconduct is alleged, BOP may refer the allegation to both the OIG and the Federal Bureau of Investigation (FBI).

In addition, OIG works with other DOJ components when investigating allegations. For example, OIG may refer the allegation to DOJ’s Civil Rights Division for review to determine whether a civil rights offense occurred. Further, OIG may refer a criminal misconduct case to the U.S. Attorney’s Office in the appropriate district for

<sup>76</sup>Department of Justice, Bureau of Prisons, *Program Statement 1210.25: Office of Internal Affairs*.

potential prosecution before determining how to proceed with the investigation. According to OIG data, OIG conducted joint investigations into BOP employee misconduct with FBI and other DOJ investigative agencies from October 2013 through March 2025.

Of the components with a potential role, OIG is the most closely engaged in BOP misconduct investigations because it is responsible for reviewing thousands of allegations each year and investigating certain cases. As such, from October 2013 through March 2025, OIG received 83,082 allegations of BOP employee or contractor misconduct.<sup>77</sup> During this period, we found that OIG received about 63 percent of the allegations from BOP or another DOJ component, about 36 percent through its hotline, and one percent from other sources.<sup>78</sup>

OIG referred 76,777 (about 92 percent) of these allegations back to BOP for administrative investigation and accepted 3,917 (about 5 percent) for investigation, as shown in figure 9.<sup>79</sup> According to OIG officials, while it predominantly accepts allegations likely to constitute criminal misconduct, it may also accept some administrative allegations, such as when the subject of the investigation is a high-level supervisor or manager at or above the General Schedule-15 pay grade.

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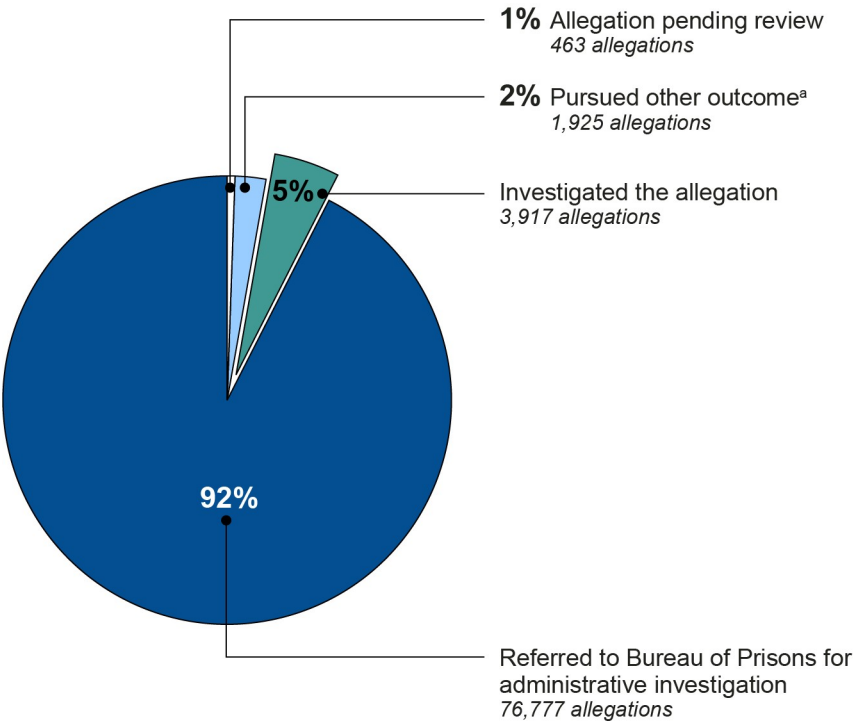
<sup>77</sup>We excluded from this analysis 17,572 observations that were missing a value in the data field that indicates whether the allegation's subject is a DOJ employee, contractor, incarcerated individual, or from another group. The missing values prevented us from determining whether those observations fell within the scope of this study. According to OIG officials, this field is partly imported from another data system and the missing values did not correctly import.

<sup>78</sup>Allegations from other sources included those developed internally by OIG or received from federal, state, or local agencies outside DOJ.

<sup>79</sup>According to our analysis of OIG data, one percent of allegations were awaiting review, while the remaining two percent were recorded as requests for information, consolidated with existing allegations, or referred to another OIG division or another agency. OIG took less than a month on average to determine how to handle allegations during the period we examined. Our analysis of review time frames excluded 58 allegations that had erroneous data.



**Figure 9: Actions the Department of Justice’s Office of the Inspector General (OIG) Took Related to Bureau of Prisons Employee Misconduct Allegations, October 2013 – March 2025**



Source: GAO analysis of Department of Justice, Office of the Inspector General data. | GAO-25-107339

**Accessible Data for Figure 9: Actions the Department of Justice’s Office of the Inspector General (OIG) Took Related to Bureau of Prisons Employee Misconduct Allegations, October 2013 – March 2025**

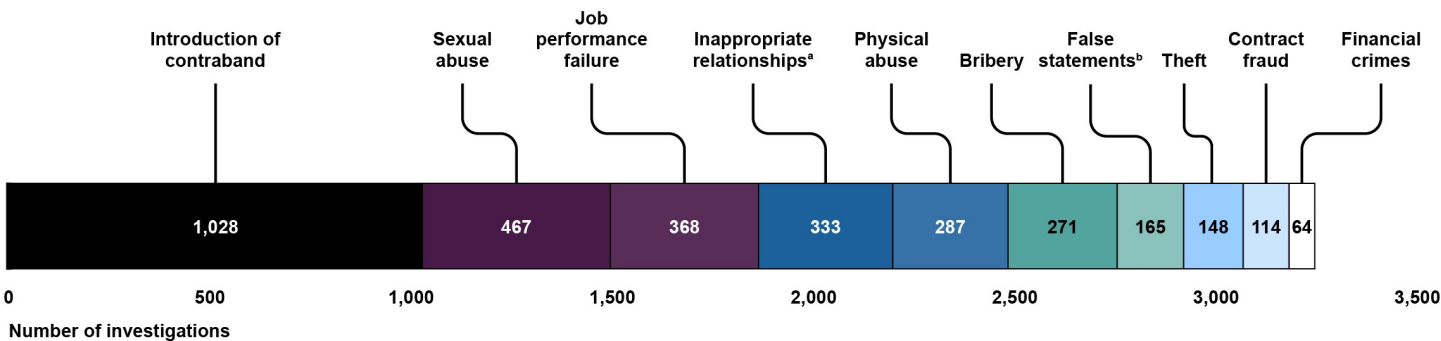
| Action                                                         | Number of allegations | Percentage |
|----------------------------------------------------------------|-----------------------|------------|
| Allegation pending review                                      | 463                   | 1%         |
| Pursued other outcome <sup>a</sup>                             | 1,925                 | 2%         |
| Investigated the allegation                                    | 3,917                 | 5%         |
| Referred to Bureau of Prisons for administrative investigation | 76,777                | 92%        |

Source: GAO analysis of Department of Justice, Office of the Inspector General data. | GAO-25-107339

<sup>a</sup>Allegations with other outcomes included those that were recorded as requests for information, consolidated with existing allegations, or referred to another OIG division or another agency.

Further, according to OIG data, the most common employee offenses the OIG investigated from October 2013 through March 2025 included introduction of contraband, sexual abuse, job performance failure, inappropriate relationships, and physical abuse (see fig. 10). Additionally, of the 3,917 investigations OIG conducted during this period, approximately 45 percent included allegations of more than one offense. For example, the contraband investigations that OIG conducted also included allegations of bribery or inappropriate relationships, among others.

Figure 10: Ten Most Frequent Bureau of Prisons Employee Misconduct Allegations the Office of the Inspector General (OIG) Investigated, October 2013 – March 2025



Source: GAO analysis of Department of Justice, Office of the Inspector General data. | GAO-25-107339

Accessible Data for Figure 10: Ten Most Frequent Bureau of Prisons Employee Misconduct Allegations the Office of the Inspector General (OIG) Investigated, October 2013 – March 2025

| Allegation                               | Number of investigations |
|------------------------------------------|--------------------------|
| Introduction of contraband               | 1028                     |
| Sexual abuse                             | 467                      |
| Job performance failure                  | 368                      |
| Inappropriate relationships <sup>a</sup> | 333                      |
| Physical abuse                           | 287                      |
| Bribery                                  | 271                      |
| False statements <sup>b</sup>            | 165                      |
| Theft                                    | 148                      |
| Contract fraud                           | 114                      |
| Financial crimes                         | 64                       |

Source: GAO analysis of Department of Justice, Office of the Inspector General data. | GAO-25-107339

Note: Investigations may include multiple alleged offenses. This figure represents only the ten most frequent primary offenses—or those deemed the most severe—that OIG investigated from October 2013 through March 2025. OIG has the authority to investigate Department of Justice employee misconduct allegations. According to officials, OIG predominately accepts allegations of criminal misconduct and misconduct committed by high-level supervisors or managers. OIG investigated a total of 3,917 Bureau of Prisons employee misconduct allegations during this period, including those pictured above. Other offenses included off-duty misconduct and prohibited personnel actions, among others.

<sup>a</sup>For example, this offense type could involve Bureau of Prisons employees engaging in inappropriate sexual relationships with subordinates or showing partiality toward incarcerated individuals.

<sup>b</sup>This offense type could involve making false verbal statements during an OIG investigation.

#### **Examples of Recent Prosecutions of Federal Bureau of Prisons (BOP) Employees**

From 2022 through 2025, a former BOP warden, chaplain, and eight correctional officers have been charged for sexually abusing incarcerated women at Federal Correctional Institution Dublin. The Office of the Inspector General (OIG) and the Federal Bureau of Investigation jointly investigated the cases, and the U.S. Attorney's Office for the Northern District of California prosecuted them.

In November 2024, three former correctional officers admitted to violating the civil rights of an incarcerated individual at U.S. Penitentiary Hazelton. One officer physically assaulted the individual, while the second and third officers falsified reports and statements to conceal the assault. The OIG investigated the case and the U.S. Attorney's Office for the Northern District of West Virginia prosecuted it.

Source: Department of Justice documentation. | GAO-25-107339

Although the number of BOP employee misconduct allegations OIG accepts for investigation is relatively low, most of the cases it investigates result in referral for prosecution. Specifically, from October 2013 through March 2025, OIG referred approximately 73 percent (2,843 of the 3,917 investigations) for criminal prosecution at the federal or state level.<sup>80</sup> During that period, prosecutors accepted 1,323 or about 47 percent of cases and declined 1,441 or about 51 percent, while less than three percent did not have an outcome in OIG's data system at the time of our request.<sup>81</sup>

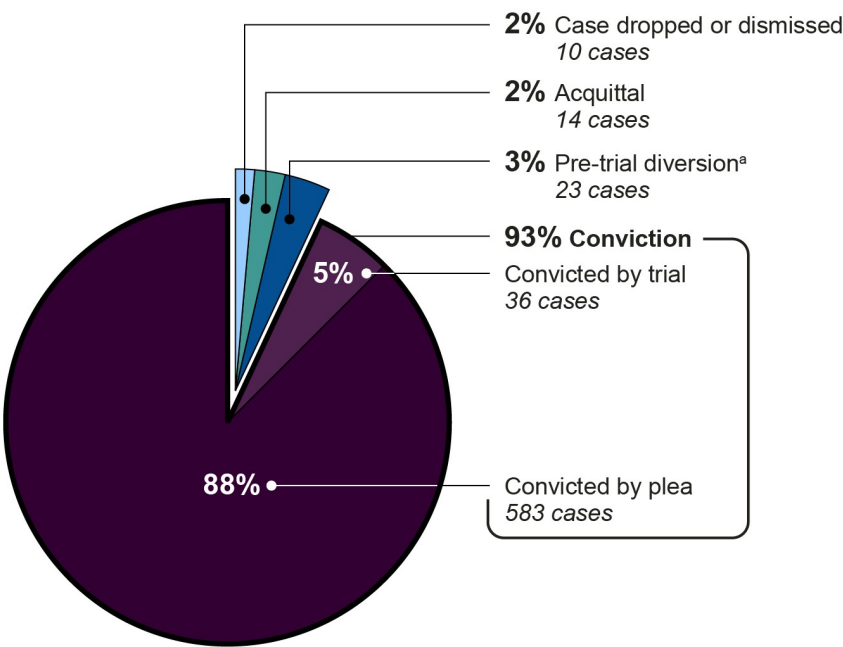
Further, of the 1,323 cases accepted for prosecution from October 2013 through March 2025, 666 were adjudicated in criminal court with 93 percent or 619 resulting in a conviction—see Fig 11. As of May 2025, when OIG retrieved the data from its system, the remaining 657 BOP employee misconduct cases accepted for prosecution during this period had not been adjudicated in court.

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<sup>80</sup>According to OIG data, approximately 95 percent of the investigations OIG referred for prosecution went to federal prosecutors, while about 5 percent went to state prosecutors. OIG refers investigations to state prosecutors in instances where there are potential violations of state law, such as theft or off-duty misconduct. Of the 1,074 investigations OIG did not refer for prosecution, 137 remained open as of May 2025, while 937 were closed. In some closed investigations, OIG determined that the allegation was not supported by evidence. In others, OIG sustained the allegation, which resulted in disciplinary action such as suspension or termination or led the employee to resign or retire.

<sup>81</sup>According to OIG officials, if prosecutors decline a case, OIG generally continues the investigation and provides its findings to BOP for administrative action.

Figure 11: Outcomes of Bureau of Prisons Employee Misconduct Cases Adjudicated in Criminal Court, October 2013 through March 2025



Source: GAO analysis of Department of Justice, Office of the Inspector General data. | GAO-25-107339

Accessible Data for Figure 11: Outcomes of Bureau of Prisons Employee Misconduct Cases Adjudicated in Criminal Court, October 2013 through March 2025

| Outcomes                         | Number of cases | Percentage |
|----------------------------------|-----------------|------------|
| Case dropped or dismissed        | 10              | 2%         |
| Acquittal                        | 14              | 2%         |
| Pre-trial diversion <sup>a</sup> | 23              | 3%         |
| Conviction (total)               | 619             | 93%        |
| Convicted by trial               | 36              | 5%         |
| Convicted by plea                | 583             | 88%        |

Source: GAO analysis of Department of Justice, Office of the Inspector General data. | GAO-25-107339

Note: This figure represents misconduct allegations reported to the Office of the Inspector General (OIG) from October 2013 through March 2025 and adjudicated in court before March 2025. Allegations reported prior to October 2013 are not included. Of the 1,048 cases accepted for prosecution and marked as closed in OIG’s data system during this period, 382 (36 percent) were missing a court outcome in the data system and are excluded from this figure. According to OIG officials, some of these cases are ongoing, while others were initially accepted for prosecution but later declined.

<sup>a</sup>According to Department of Justice guidance, a pre-trial diversion is an alternative to the traditional criminal justice process that diverts offenders into a program of supervision and services. Participants who complete the program may qualify for dismissal or reduction of charges, among other outcomes. Participants who do not complete the program may be charged through the traditional process.

## Conclusions

BOP’s employee misconduct allegations involve sexual abuse of incarcerated individuals, unprofessional conduct, and failure to follow policy. Misconduct of this nature increases risks to the safety and security of federal facilities. BOP established policies and procedures for addressing employee misconduct, but issues

with how BOP communicates policies and uses data hinder its ability to implement these policies and procedures effectively.

To effectively communicate employee rights and responsibilities during misconduct investigations, it is important for BOP's program statement to refer to the applicable legal decision and corresponding warning that guides the interview policy. Doing so will help BOP avoid confusion on the type of interview it is conducting, its interview procedures, and employees' rights during administrative investigations. Further, by developing and implementing a communication strategy to fully inform incarcerated individuals about employee misconduct offenses that affect their health and safety, BOP would likely increase awareness about the *Standards of Employee Conduct* to help ensure facility safety and employee accountability. In addition, BOP has not routinely shared employee feedback specific to the *Standards of Employee Conduct* training with all relevant offices, which makes it challenging for those offices to use the feedback to improve the training's design, delivery, and overall effectiveness in preventing employee misconduct.

BOP collects data on employee misconduct and its investigative caseload, but it does not leverage these data in its efforts to manage the employee misconduct caseload. Developing an approach to routinely and fully assess employee misconduct data, identify trends and challenge areas, and implement targeted approaches to address those challenges would allow BOP to capitalize on the information it already has and fulfill OIA's obligations. Further, documenting and implementing a comprehensive plan that establishes milestones and designates responsibilities to key officials for investigating and disciplining employee misconduct cases would help BOP ensure accountability in meeting its goal of reducing the employee misconduct caseload. Finally, by establishing target time frames, developing and implementing a method to evaluate whether it is meeting those targets, and addressing hindrances to doing so, BOP could better identify factors that may be contributing to lengthy processing times and improve the overall timeliness of the employee disciplinary process.

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## Recommendations for Executive Action

We are making the following eight recommendations to BOP:

The Director of BOP should revise BOP's program statement on investigative policy to correctly cite *Kalkines v. United States* as the applicable legal decision for the administrative warning that OIA conveys before conducting compelled interviews. (Recommendation 1)

The Director of BOP should develop and implement a communication strategy that fully informs incarcerated individuals about employee misconduct offenses that affect their health and safety. (Recommendation 2)

The Director of BOP should (a) develop a routine and systematic approach for sharing employee feedback specific to the *Standards of Employee Conduct* training with regional and central offices and (b) use this feedback to help improve its design, delivery, and overall effectiveness. (Recommendation 3)

The Director of BOP should develop and implement an approach to routinely and fully assess employee misconduct data, identify trends across more than 2 years and within and across facilities, and identify any challenge areas to help focus efforts to prevent and address employee misconduct. (Recommendation 4)

The Director of BOP, after implementing routine assessments of employee misconduct data, should implement targeted approaches to address the identified trends and challenge areas in employee misconduct. (Recommendation 5)

The Director of BOP should document and implement a comprehensive plan that establishes responsibilities, measurable goals, and milestones for investigating and disciplining employee misconduct cases to ensure accountability for meeting those goals. (Recommendation 6)

The Director of BOP should (a) establish target time frames for each step in the employee disciplinary process and (b) designate responsibilities for developing and implementing a method of routinely evaluating the extent to which it is meeting targets. (Recommendation 7)

The Director of BOP, after establishing target time frames for steps in the employee disciplinary process, should develop and implement an approach to identify and address any delays in the employee disciplinary process that hinder its ability to meet target time frames. (Recommendation 8)

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## Agency Comments and Our Evaluation

We provided a draft of this report to DOJ for their review and comment. BOP, on behalf of the department, concurred with all eight recommendations and described actions planned or underway to address them. BOP, OIG, the FBI, and the Civil Rights Division also provided technical comments, which we have incorporated as appropriate. BOP's comments are reproduced in appendix VII.

BOP stated that it is committed to identifying misconduct—including waste, fraud, abuse, and violations of the BOP's *Standards of Employee Conduct*—and holding accountable those who engage in such actions. As such, it has taken actions to address employee misconduct and prioritize responsiveness and accountability. Those actions include reorganizing OIA and reducing the backlog of employee misconduct cases, expediting investigations, and enhancing employee training—all of which we acknowledged in the report.

In response to recommendation 1, BOP stated that it will revise BOP *Program Statement 1210.25*, Office of Internal Affairs, to correctly cite *Kalkines v. United States* as the applicable legal decision for the administrative warning that OIA conveys before conducting compelled interviews. The actions BOP described, if implemented effectively, would address our recommendation.

In response to recommendation 2, BOP stated that it will develop and implement a communication strategy that fully informs incarcerated individuals about employee misconduct offenses that affect their health and safety. Further, BOP stated that it will develop additional signage and amendments to the Inmate Admission and Orientation handbook that will specify the applicable policy to reference when health and safety related employee misconduct allegations arise. The actions BOP described, if implemented effectively, would address our recommendation.

In response to recommendation 3, BOP stated it will (1) develop a routine and systematic approach for sharing employee feedback specific to the *Standards of Employee Conduct* training with regional and central offices and (2) use this feedback to help improve its design, delivery, and overall effectiveness. BOP also described efforts it has begun to address the recommendation. For example, BOP's Human Resources Management Division collaborated with its Office of General Counsel, Office of Ethics to develop a standardized evaluation

form that was disseminated to all BOP Employee Development Offices. The actions BOP described, if implemented effectively, would address our recommendation.

In response to recommendation 4, BOP stated that it concurs with the recommendation to develop and implement an approach to (1) routinely and fully assess employee misconduct data, (2) identify trends across more than two years and within and across facilities, and (3) identify any challenge areas to help focus efforts to prevent and address employee misconduct. Additionally, BOP stated that OIA's current Case File Manager system is not capable of trend and challenge area identification, and that a new system would be required for this purpose. In particular, BOP stated that implementing this recommendation will require significant additional resources. We maintain that developing and implementing an approach for assessing these data for trends, whether through a new Case File Manager system or other means, would support BOP's efforts to prevent misconduct and decrease related workloads.

In response to recommendation 5, BOP stated that it concurs with the recommendation to implement targeted approaches to address the identified trends and challenge areas in employee misconduct. As stated earlier, because the Case File Manager system is not capable of trend and challenge areas identification, BOP noted that implementation of the recommendation will require significant additional resources.

In response to recommendation 6, BOP stated that it concurs with the recommendation to document and implement a comprehensive plan that establishes responsibilities, measurable goals, and milestones for investigating and disciplining employee misconduct cases to ensure accountability for meeting those goals. Additionally, BOP stated that the measurable success of the OIA realignment cannot be understated, and new goals, expectations, and responsibilities are being established as investigative timelines and total numbers continue to decrease. These actions BOP described, if implemented effectively, would address our recommendation.

In response to recommendation 7, BOP stated that it concurs with the recommendation to (1) establish target time frames for each step in the employee disciplinary process and (2) designate responsibilities for developing and implementing a method of routinely evaluating the extent to which it is meeting targets. BOP also stated that while it recognizes the importance of an efficient and expeditious adjudication process, it is difficult to establish firm deadlines for several reasons. For example, each case is unique, and it is impossible to anticipate the unique factors or complexities that may be involved or may impede timely adjudication of cases. As such, while timeliness is important, BOP will not compromise the integrity or defensibility of its disciplinary adjudications. We maintain that establishing target time frames for each step in the employee disciplinary process and developing a method to routinely evaluating the extent to which BOP is meeting targets would help the bureau to track timeliness and identify factors that may be contributing to lengthy processing times.

In response to recommendation 8, BOP stated that it concurs with the recommendation to develop and implement an approach to identify and address any delays in the employee disciplinary process that hinder its ability to meet target time frames. BOP also stated that it does have concerns about (1) the implementation of target time frames as part of the comprehensive plan and (2) the availability of resources may delay the resolution of this recommendation. However, BOP stated that its Office of General Counsel and Human Resources Management Division have begun evaluating options to address this recommendation.

We are sending copies of this report to the appropriate congressional committees, BOP, Civil Rights Division, DOJ, Executive Office for U.S. Attorneys, FBI, OIG, and other interested parties. In addition, the report is available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at [GoodwinG@gao.gov](mailto:GoodwinG@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix VIII.

//SIGNED//

Gretta L. Goodwin  
Director, Homeland Security and Justice



# Appendix I: Objectives, Scope, and Methodology

This report examines: (1) the extent to which the Bureau of Prisons (BOP) has established and communicated policies and procedures on employee misconduct, (2) the extent to which BOP has incorporated data analysis, strategic planning, and evaluation mechanisms into its management of employee misconduct; and (3) the roles and responsibilities of other Department of Justice (DOJ) components in investigating and prosecuting BOP employee misconduct.

To inform our understanding of the nature and scope of BOP employee misconduct cases, and to provide baseline information across all three objectives, we searched relevant literature. This included reports and articles from government bodies, news media, nonprofit organizations, and other sources. We sought information on (1) BOP employee misconduct incidents in general and (2) specific BOP facilities with widespread misconduct issues.

For all three of our objectives, we interviewed BOP officials at the headquarters and regional level to discuss efforts to prevent and address employee misconduct.

- **Office of Internal Affairs (OIA).** We discussed policies and procedures for investigating employee misconduct, recent changes to OIA's structure and staffing, efforts to reduce the backlog of cases, coordination with the DOJ Office of the Inspector General (OIG), and the collection, management, and use of data. Additionally, we interviewed supervisory investigators aligned to OIA and located at BOP's six regional offices (discussed below) to learn more about their roles and experiences.
- **Office of General Counsel.** We met with officials from this unit's Office of Ethics regarding their process for updating the BOP *Standards of Employee Conduct* and related training. Additionally, we met with officials from the Employment Law Branch on their policies and procedures for reviewing employee discipline letters, their role in an initiative to streamline the review process for discipline letters that meet certain criteria, and recent changes to the branch's structure and staffing.
- **Human Resources Management Division.** We discussed the delivery and evaluation of training on the *Standards of Employee Conduct*, as well as the division's role in the discipline review initiative, discussed above.
- **Program Review Division.** We discussed the program reviews conducted on Human Resources offices at BOP facilities, including the methodology used to select and audit facilities for these reviews and recent changes to policies and procedures.
- **Information Technology and Data Division.** We discussed the capabilities of Case File Manager, the system that stores BOP employee misconduct allegations and investigations.
- **Regional offices.** We met with leadership and Human Resources officials from BOP's six regional offices about efforts to prevent employee misconduct at facilities in their regions, policies and procedures for reviewing discipline letters, and guidance BOP headquarters provides them.

Additionally, we interviewed officials from the Council of Prison Locals C-33, the union that represents bargaining unit BOP employees at the national level. We discussed their perspectives on the employee

disciplinary process and the union's negotiations with BOP management on revising the new *Standards of Employee Conduct* policy issued in June 2024.<sup>1</sup>

Further, we visited a nongeneralizable sample of three BOP Federal Correctional Complexes to learn more about facilities' experiences: Yazoo City in Mississippi, Hazelton in West Virginia, and Victorville in California. We selected these facilities by (1) identifying known employee misconduct issues as indicated by BOP data and publicly available reports, (2) seeking variety in security level, geographic location, and gender of the incarcerated population, and (3) prioritizing facilities with an onsite OIA investigator.<sup>2</sup> We identified these criteria to gather perspectives on facilities' approaches and challenges to addressing employee misconduct.

At each facility, we observed the signs posted in housing units and other locations to communicate employee misconduct reporting options to incarcerated individuals. We also interviewed facility officials about efforts to prevent, investigate, and discipline employee misconduct, including wardens and other leadership, OIA investigators assigned to the complex, human resources, health services, psychology services, and religious services. Additionally, we interviewed local union presidents at each location.

Further, we interviewed a total of 13 correctional officers and 12 incarcerated individuals at these facilities. While the information we gathered during these interviews provided valuable insights, these interviews are not representative of all BOP correctional officers or all incarcerated individuals across BOP.

- **Correctional officers.** We sought perspectives on the employee disciplinary process, training, and other topics. We selected four officers at each complex using rosters of the officers who were available during our visits, which included the dates on which those officers were hired at BOP. For each complex, we selected two experienced officers (hired in or before 2015) and two newer officers (hired in or after 2021) to obtain a variety of perspectives.
- **Incarcerated individuals.** We sought to understand their knowledge of employee misconduct reporting mechanisms, their experiences with employees, and other topics. At the Hazelton and Victorville complexes, we randomly selected two men and two women from different housing units using rosters. Because the Yazoo City complex does not include a women's facility, we randomly selected four incarcerated men from different housing units.<sup>3</sup>

To determine the extent to which BOP has established and communicated employee misconduct policies, we reviewed BOP's *Standards of Employee Conduct* to identify the number of offense types and assess changes between the prior version (last updated in 2013) and the revised policy published in June 2024. We also reviewed signs and orientation handbooks from the three BOP facilities we visited. Additionally, we obtained information from BOP units responsible for developing guidance about the minimum content these handbooks and signage are to include. We compared the information in those materials to the number of offense types

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<sup>1</sup>In February 2025, BOP removed the term "gender identity" from the 2024 version of the *Standards of Employee Conduct* to ensure consistency with Executive Orders issued by the Executive Office of the President of the United States. Department of Justice, Bureau of Prisons, *Program Statement 3420.12, CN-1: Standards of Employee Conduct*.

<sup>2</sup>According to officials, some OIA investigators are assigned to cover multiple facilities in close geographic proximity but are physically stationed at only one facility. We prioritized facilities that had investigators stationed onsite.

<sup>3</sup>We provided written information about our review to all incarcerated individuals we selected and verbally obtained their consent to participate in the interview before proceeding.

listed in the *Standards of Employee Conduct* to determine whether BOP provided information to the incarcerated population about reporting employee misconduct, beyond sexual misconduct.

Further, we identified offense types that constitute criminal misconduct but are not described in the standardized admissions and orientation handbook language on reporting sexual misconduct. Specifically, we analyzed the 73 misconduct offenses in the *Standards of Employee Conduct* and identified the offenses that (1) would be considered Category 1 offenses, (2) could affect incarcerated individuals' health and safety, and (3) are reasonably identifiable by incarcerated individuals. We focused on Category 1 offenses, and categorized them using the OIA's staff manual, which provides guidance on how to categorize each misconduct allegation.<sup>4</sup> We assessed BOP's efforts to communicate information about employee misconduct to incarcerated individuals against our prior work on key practices for establishing a communication strategy to build trust, ensure consistency of message, encourage two-way communication, and provide information to meet specific needs of employees and stakeholders.<sup>5</sup>

Further, we assessed relevant BOP policy on reporting, investigating, and disciplining employee misconduct, including the program statement that establishes BOP OIA's processes for investigative interviews. We assessed BOP's policy on conducting investigative interviews against *Standards for Internal Control* in the Federal Government, which state that management should use quality information to achieve the entity's objectives, which includes obtaining relevant data from reliable internal and external sources.<sup>6</sup>

Lastly, we interviewed BOP officials about their methodology for collecting, evaluating, and using feedback from employees who completed BOP's training on the *Standards of Employee Conduct*. We assessed BOP's efforts to evaluate *Standards of Employee Conduct* training against leading practices for assessing strategic training in the federal government, which state that agencies should evaluate and assess the extent to which training contributes to improved performance and results.

To determine the extent to which the bureau used data in its management of employee misconduct, we analyzed data from BOP OIA's Case File Manager system on employee and contractor misconduct allegations received from October 2013 through February 2025. We selected this period to identify changes over the past 10 complete fiscal years and to obtain the most current information. Among other things, we examined allegations by volume, offense type, and facility. We also calculated the processing times for cases received and closed during that period and identified the number of cases that remained open when BOP retrieved the data from its system.

To assess the reliability of these data, we (1) reviewed the user manual for the Case File Manager data system; (2) interviewed and obtained written responses from BOP officials about their management of the data; and (3) conducted electronic tests to identify any missing, duplicate, and erroneous data. We determined

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<sup>4</sup>Department of Justice, Bureau of Prisons. *Office of Internal Affairs Support Staff Manual*. (Washington, D.C.: October 2022). According to the manual, the categories offered for each allegation are a guideline. Depending on the evidence and severity of the incident, allegations may be elevated to a different category.

<sup>5</sup>GAO, *Results-Oriented Cultures: Implementation Steps to Assist Mergers and Organizational Transformations*, [GAO-03-669](#) (Washington, D.C.: July 2, 2003).

<sup>6</sup>GAO, *Standards for Internal Control in the Federal Government*, [GAO-25-107721](#) (Washington, D.C.: May 2025).

the data were sufficiently reliable for the purposes of analyzing BOP's employee misconduct workload from October 2013 through February 2025.

Further, we reviewed the policy that establishes OIA's roles and responsibilities and OIA's annual reports on the misconduct workload from fiscal years 2014 through 2023, which was the year with the most recent available report at the time of our audit. We assessed BOP's efforts to analyze employee misconduct data against its strategic goal and objectives to review and analyze data to inform evidence-based decisions that will be used to improve agency operations, policies, and procedures across all disciplines.<sup>7</sup> We also used as criteria the Program Statement that establishes OIA's responsibilities and includes among them maintaining a database to provide information about trends and ensure accountability.<sup>8</sup> Additionally, we evaluated these efforts against *Standards for Internal Control in the Federal Government*, which state that management should use quality information to achieve key objectives, including by processing data.

Moreover, we evaluated BOP's efforts to reduce the pending employee misconduct caseload by interviewing officials regarding those efforts, including the increase and realignment of staff and the strike team and discipline review initiatives. We assessed those efforts against sound planning practices identified in prior work, which found that in order to achieve desired results and ensure accountability, organizations should develop plans that (1) identify necessary activities, resources, and milestones and (2) designate roles, responsibilities, and coordination within the organization.<sup>9</sup> We also evaluated those efforts against the *Standards for Internal Control in the Federal Government*, which state that management should use quality information to make informed decisions and evaluate the agency's performance in achieving key objectives and addressing risks.<sup>10</sup>

Further, we assessed BOP's efforts to evaluate the timeliness of employee misconduct cases by interviewing officials about those efforts and reviewing policies that establish roles and responsibilities in the employee disciplinary process. We also examined discipline logs maintained by the three BOP facilities we selected to understand the information tracked in those logs. We assessed BOP's efforts to evaluate timeliness against the Project Management Institute's *Standard for Program Management*, which states that meaningful measures can help management determine whether outcomes are delivered in a timely manner and, if necessary, propose changes to the program.<sup>11</sup>

To describe the roles and responsibilities of DOJ components in investigating and prosecuting BOP employee misconduct, we analyzed data from OIG's Investigations Data Management System on BOP employee and contractor misconduct allegations received from October 2013 through March 2025. We selected this period to identify changes over the past 10 complete fiscal years and to obtain the most current information. Specifically, we reviewed the volume and source of allegations OIG received, the number and offense type of allegations OIG accepted for investigation, the extent to which OIG conducted investigations jointly with other agencies,

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<sup>7</sup>Department of Justice, Bureau of Prisons, *FBOP Response – GAO High-Risk Metrics* (Nov. 8, 2024).

<sup>8</sup>Department of Justice, Bureau of Prisons, *Program Statement 1210.25: Office of Internal Affairs*.

<sup>9</sup>GAO, *Social Security Disability: Additional Performance Measures and Better Cost Estimates Could Help Improve SSA's Efforts to Eliminate Its Hearings Backlog*, [GAO-09-398](#) (Washington, D.C.: Sept. 9, 2009); *Combating Terrorism: Evaluation of Selected Characteristics in National Strategies Related to Terrorism*, [GAO-04-408T](#) (Washington, D.C.: Feb. 3, 2004).

<sup>10</sup>[GAO-25-107721](#).

<sup>11</sup>Project Management Institute, Inc., *The Standard for Program Management*, Fifth Edition (2024).

and the number and outcome of investigations referred for criminal prosecution. We also calculated the timeliness of OIG's review of allegations by calculating the number of days between the date OIG received the allegation and the date OIG determined how to handle that allegation.

To assess the reliability of these data, we (1) reviewed system documentation, (2) interviewed and obtained written responses from OIG officials about their management of the data, and (3) conducted electronic tests to identify any missing, duplicate, and erroneous data. We determined the data were sufficiently reliable for the purposes of describing OIG's BOP employee misconduct workload from October 2013 through March 2025.

Further, we interviewed officials in all DOJ components with roles and responsibilities in investigating and prosecuting BOP employee misconduct, based on our assessment of components' duties. Specifically, we interviewed officials in the Civil Rights Division, Executive Office for U.S. Attorneys, Federal Bureau of Investigation, Office of the Deputy Attorney General, and OIG. We also interviewed officials from three U.S. Attorneys' Offices in judicial districts that corresponded to the BOP facilities we visited—the Central District of California, Northern District of West Virginia, and Southern District of Mississippi. We interviewed these officials to gather perspectives about the volume and type of BOP employee misconduct cases their districts have historically prosecuted.

We conducted this performance audit from January 2024 to September 2025 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

# Appendix II: Overview of Kalkines v. United States and Garrity v. New Jersey Cases

Table 7 provides an overview of the *Kalkines v. United States* and *Garrity v. New Jersey* cases that inform federal employees’ rights during interviews as part of administrative investigations. The table includes background on the case, the court rulings (or holdings), and their basis for Kalkines warnings and Garrity warnings.

**Table 7: Overview of *Kalkines v. United States*, *Garrity v. New Jersey* and their Corresponding Holdings**

| Court Case                                    | Background of Case and Holding                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Kalkines v. United States</i> <sup>a</sup> | <p>The Bureau of Customs began an investigation based on information that a public employee accepted payment from an importer’s representative in return for favorable treatment on the valuation of a customs entry. During the agency investigation, for all or most of the time, a criminal investigation was also being conducted as to possible bribery charges against the employee. The employee was summoned by customs agents on several occasions but refused to answer certain questions relating to the employee’s bank deposit, finances, and some aspects of the performance of the employee’s customs duties which resulted in the employee’s suspension and dismissal. The court found that the employee was not provided any advice or warnings as to the employee’s constitutional rights, though the employee was informed of the requirement to respond to questions based upon the Customs Manual. According to the court, this left the employee with the dilemma of either answering the questions and being subject to the possibility of self-incrimination, or of avoiding giving such help to the prosecution at the cost of the employee’s livelihood.</p> <p>The court held that an individual cannot be discharged because the employee invokes the employee’s Fifth Amendment privilege against self-incrimination in refusing to respond. A later prosecution cannot constitutionally use statements, or their fruits, coerced from the employee, in an earlier disciplinary investigation or proceeding, by a threat of removal from office if the employee fails to answer the question. However, a governmental employer is not wholly barred from insisting that relevant information be given to it. The public employee may be removed for not replying if the employee is adequately informed both that the employee is subject to discharge for not answering and that the employee’s responses, and the fruits of those responses, cannot be employed against the employee in a criminal case, which generally, is the basis for the Kalkines warning.</p> |
| <i>Garrity v. New Jersey</i> <sup>b</sup>     | <p>Police officers were investigated by the State regarding allegations of fixing traffic tickets. Each officer was warned before questioning that what was said could be used against the officer in a state criminal proceeding; the officer could refuse to answer if the disclosure would tend to incriminate the officer; and if the officer refused to answer the officer would be subject to removal from office pursuant to state statute. The police officers answered the questions, and their responses were used to convict the officers on criminal charges.</p> <p>According to the Court, the officers’ answers to the questions were used over their objections in subsequent prosecutions, which resulted in their convictions. The Court reversed the defendants’ convictions on the grounds that their statements were coerced, finding that the State could not threaten to discharge officers in order to obtain incriminating evidence against them. The Court ruled that everyone was afforded the protections under the Fifth and Fourteenth Amendments and any incriminating statements obtained under the State forfeiture-of-office statute were barred from use in any subsequent criminal proceeding. Generally, a Garrity warning indicates that the individual is engaging in a voluntary interview, the individual does not have to answer questions if the individual believes it could implicate the individual in a crime, and disciplinary action will not be taken for solely refusing to answer questions. However, the evidentiary value of the individual’s silence may be considered and any statement chosen to be made by the individual may be used as evidence in criminal and administrative proceedings.</p>                                                                                                                                                                                                                                                                                                                                         |

Sources: GAO analysis of court decisions. | GAO-25-107339  
<sup>a</sup>*Kalkines v. United States*, 473 F.2d 1391 (1973).

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**Appendix II: Overview of Kalkines v. United States and Garrity v. New Jersey Cases**

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<sup>b</sup>*Garrity v. New Jersey*, 385 U.S. 493 (1967).

# Appendix III: Bureau of Prisons Investigative Interview Policies

This appendix provides information from Bureau of Prisons (BOP) policy documents that establish the process for conducting investigative interviews as part of employee misconduct cases (see figs. 12 and 13).

Figure 12: Bureau of Prisons Investigative Policy Describing Steps for Conducting Compelled Interviews



U.S. Department of Justice  
Federal Bureau of Prisons

PROGRAM STATEMENT

OPI: DIR/OIA  
NUMBER: 1210.25  
DATE: August 1, 2023

Internal Affairs, Office of

/s/  
Approved: Colette S. Peters  
Director, Federal Bureau of Prisons

1. PURPOSE AND SCOPE

To instruct employees on the procedures for reporting allegations of employee misconduct to the Office of Internal Affairs (OIA) and for conducting investigations of allegations.

- OIA investigators will be trained regarding Union representational rights, reasonable caucuses during the interview, and the Master Agreement on a continuing basis. This portion of the training will be discussed for input with the President, Council of Prison Locals, or his/her designee prior to initial implementation. An investigator's failure to adhere to the Master Agreement, applicable laws, rules, regulations, and policies can be referred to the Office of Internal Affairs for review and appropriate action.
- The appropriate point of contact for representation requests is the local Union president or his/her designee, consistent with the Master Agreement.
- b. **Interviewing Subjects.** The OIA investigator must exercise extreme care to ensure all subjects implicated in wrongdoing are afforded the opportunity to read and sign the Warning and Assurance to Employee Required to Provide Information form (BP-A0194). For contract employees, use Warning and Assurance to Contract Employee Required to Provide Information form (BP-A0773) prior to questioning. The Warning and Assurance to Employee Required to Provide Information form (BP-A0194), for contract employees Warning and Assurance to Contract Employee Required to Provide Information form (BP-A0773), prevents the use of any statement provided from being used in a criminal prosecution, provided the subject does not knowingly and willfully provide false statements or information.
- Unless requested, victims, witnesses, and other individuals who are sources of collateral information should not be required to review and sign a Warning and Assurance to Employee Required to Provide Information form (BP-A0194). For contract employees, use Warning and Assurance to Contract Employee Required to Provide Information form (BP-A0773).
- If, during the investigation, these sources provide information implicating themselves in wrongdoing, the investigator will stop the interview and execute a Warning and Assurance to Employee Required to Provide Information form (BP-A0194) consistent with *Garrity v. New Jersey* 385 U.S. 493 (1967). For contract employees, use Warning and Assurance to Contract Employee Required to Provide Information form (BP-A0773).
- Victims, witnesses, collateral sources, and subjects will be advised at the end of the interview the subject matter of the interview and any information exchanged with the investigator are confidential and may not be discussed with individuals other than the employee's representative.
  - (1) When the interview of a subject or witness reveals information that may implicate the person criminally that is not already contemplated by the referral, the investigator will suspend the interview immediately and refer the matter to the appropriate law enforcement officials and OIA.
  - (2) Normally, the appropriate version of the Warning and Assurance form to be used at the local level is the Warning and Assurance to Employee Required to Provide Information (BP-A0194); for contract employees the form is the Warning and Assurance to Contract Employee Required to Provide Information (BP-A0773).

PI210.25 8/1/2023 8

The Warning and Assurance to Employee Required to Provide Information form (BP-A0194), for contract employees Warning and Assurance to Contract Employee Required to Provide Information form (BP-A0773), prevents the use of any statement provided from being used in a criminal prosecution, provided the subject does not knowingly and willfully provide false statements or information.

If, during the investigation, these sources provide information implicating themselves in wrongdoing, the investigator will stop the interview and execute a Warning and Assurance to Employee Required to Provide Information form (BP-A0194) consistent with *Garrity v. New Jersey* 385 U.S. 493 (1967).

Source: Bureau of Prisons; 32 Pixels/stock.adobe.com. | GAO-25-107339



Figure 13: Sample of Interview Form Used During Compelled Interviews

BP-A0194  
JUN 10  
U.S. DEPARTMENT OF JUSTICE

WARNING AND ASSURANCE TO EMPLOYEE  
REQUIRED TO PROVIDE INFORMATION  
FEDERAL BUREAU OF PRISONS

CDFRM

This is an official administrative inquiry regarding misconduct or improper performance of official duties.

This inquiry pertains to:

The purpose of this interview is to obtain information which will assist in the determination of whether administrative action is warranted.

You are going to be asked a number of questions regarding the performance of your official duties.

You have a duty to reply to these questions and agency disciplinary action, including dismissal, may be undertaken if you refuse or fail to reply fully and truthfully.

Neither your answers nor any information or evidence gained by reason of your answers can be used against you in any criminal proceeding, except that if you knowingly and willfully provide false statements or information in your answers, you may be criminally prosecuted for that action. The answers you furnish and any information or evidence resulting therefrom may be used in the course of agency disciplinary proceedings which could result in disciplinary action, including dismissal.

If you are a member of the bargaining unit and you believe your rights are being threatened, you may request the presence of a representative. If you desire a representative, no further questioning will take place until your representative is present. However, if your representative is not available within a reasonable period of time, questioning may proceed without a representative being present.

ACKNOWLEDGMENT

I have read and understand my rights and obligations set forth above:

|                                                            |      |
|------------------------------------------------------------|------|
| Employee Signature                                         | Date |
| Signature of Bureau of Prisons Official Conducting inquiry | Date |

PDF

Prescribed by P1210

This form replaces BP-A194 dated AUG 93

Source: Bureau of Prisons. | GAO-25-107339

# Appendix IV: Bureau of Prisons Signage Conveying Zero-Tolerance Sexual Abuse Policy and Reporting Mechanisms

Figure 14: Example of a Sign Conveying Zero-Tolerance Sexual Abuse Policy and Reporting Mechanisms

EVERY PERSON HAS THE RIGHT TO BE SAFE FROM  
SEXUAL ABUSE

THE FEDERAL BUREAU OF PRISONS HAS A

ZERO TOLERANCE POLICY

If you or someone you know has been a victim of sexual abuse/assault, you should immediately:

SPEAK UP - TELL SOMEONE - REPORT IT

Tell any employee at any facility.

File an Administrative Remedy using FBOP form BP-9 or BP-10.

Email outside FBOP to the Office of the Inspector General (OIG):  
TRULINCS 'Request to Staff' Service - DOJ Sexual Abuse Reporting Mailbox  
Messages are sent directly to OIG and are not monitored by FBOP employees.

Write to:  
Office of the Inspector General (OIG)  
U.S. Department of Justice  
Investigation Division  
950 Pennsylvania Avenue, N.W.  
Room 4706  
Washington, DC 20530

Staff, friends, family of adults in custody, and the general public can also submit complaints at:

FBOP's Website  
<https://www.bop.gov/inmates/concerns.jsp>

OIG's Website  
<https://oig.justice.gov/hotline>



Version 4.0  
05/2024

Source: Bureau of Prisons. | GAO-25-107339

**Accessible Data for Figure 14: Example of a Sign Conveying Zero-Tolerance Sexual Abuse Policy and Reporting Mechanisms**

EVERY PERSON HAS THE RIGHT TO BE SAFE FROM SEXUAL ABUSE

THE FEDERAL BUREAU OF PRISONS HAS A ZERO TOLERANCE POLICY

If you or someone you know has been a victim of sexual abuse/assault, you should immediately:

**SPEAK UP - TELL SOMEONE - REPORT IT**

Tell any employee at any facility.

File an Administrative Remedy using FBOP form BP-9 or BP-10.

Email outside FBOP to the Office of the Inspector General (OIG):

TRULINCS 'Request to Staff'  
Service - DOJ Sexual Abuse  
Reporting Mailbox

Messages are sent directly to OIG and are not monitored by FBOP employees.

Write to:

Office of the Inspector General (OIG)  
U.S. Department of Justice  
Investigation Division  
950 Pennsylvania Avenue, N.W.  
Room 4706  
Washington, DC 20530

Staff, friends, family of adults in custody, and the general public can also submit complaints at:

FBOP's Website  
<https://www.bop.gov/inmates/concerns.jsp>

OIG's Website  
<https://oig.justice.gov/hotline>

Version 4.0  
05/2024

Source: Bureau of Prisons. | GAO-25-107339

# Appendix V: Illustrative Examples from Interviews with Incarcerated Individuals

Table 8 provides illustrative examples from our interviews with 12 incarcerated individuals at Federal Correctional Complexes Yazoo City, Hazelton, and Victorville. While the anecdotal information we learned during these interviews provided valuable insights about individuals’ experiences, these interviews are not representative of the entire incarcerated population across the Bureau of Prisons. We did not independently verify the veracity of the incarcerated individuals’ statements from our interviews. In accordance with our policy, we referred information related to the statements made during these interviews to the Department of Justice Office of the Inspector General, as appropriate.

**Table 8: Illustrative Examples from GAO Interviews with Incarcerated Individuals at Bureau of Prisons (BOP) Facilities on the Subject of Employee Misconduct**

| Topic                                                    | Interviewee responses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Incidents of misconduct witnessed or experienced         | Six individuals described witnessing or experiencing employee misconduct. For example, some described experiencing verbal or sexual harassment or witnessing physical abuse from employees. <sup>a</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Discomfort with reporting employee misconduct            | Seven individuals said they had concerns that incarcerated individuals could be punished for reporting employee misconduct. <ul style="list-style-type: none"><li>For example, some expressed concerns that employees might search their cells or place them in a Special Housing Unit.<sup>b</sup></li><li>Additionally, some interviewees had concerns that their facility’s Special Investigative Agent phone line is monitored and could expose them to retaliation.<sup>c</sup></li><li>The Department of Justice, Office of the Inspector General hotline can keep reports of employee misconduct confidential from BOP, according to officials. However, some interviewees expressed doubt that this mechanism was truly confidential.</li></ul> |
| Lack of confidence in employee misconduct investigations | Four individuals said they did not feel confident that BOP would investigate employee misconduct in a timely manner. Additionally, four individuals said they did not feel confident that BOP would hold employees accountable for their actions, and another four said that accountability is inconsistent. <ul style="list-style-type: none"><li>Some said they would not risk reporting because it would have no impact.</li><li>Two individuals said they had seen BOP transfer problematic employees to other units or facilities rather than disciplining them.</li></ul>                                                                                                                                                                         |

Source: GAO analysis. | GAO-25-107339

Note: We interviewed incarcerated individuals at Federal Correctional Complexes Yazoo City, Hazelton, and Victorville. While the anecdotal information we learned during these interviews provided valuable insights about individuals’ experiences, these interviews are not representative of the entire incarcerated population across BOP.

<sup>a</sup>We did not independently verify the veracity of the statements referenced. We referred allegations of potential physical abuse and other employee misconduct allegations to the Department of Justice, Office of the Inspector General for further action, as appropriate.

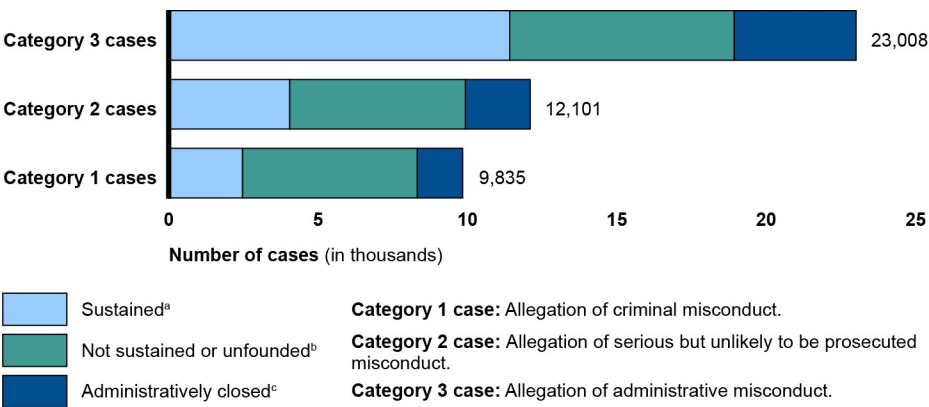
<sup>b</sup>BOP uses Special Housing Units to house individuals for a variety of administrative purposes and for disciplinary purposes related to prohibited acts. GAO, *Bureau of Prisons: Additional Actions Needed to Improve Restrictive Housing Practices*, [GAO-24-105737](#) (Washington, D.C.: Feb. 6, 2024).

<sup>c</sup>Special Investigative Agents investigate employee misconduct at BOP facilities and report to the Office of Internal Affairs. Incarcerated individuals can call their phone line to report employee misconduct.

# Appendix VI: Data on Outcomes of Bureau of Prisons Employee Misconduct Cases, October 2013 through February 2025

This appendix provides additional information on the outcomes of Bureau of Prisons (BOP) employee misconduct cases that were reported from October 2013 through February 2025 and closed during that period, as shown in figure 15. According to our analysis of BOP data, BOP completed the investigations for 44,956 allegations of employee misconduct during this period. BOP sustained a total 17,927 of those cases (approximately 40 percent)—that is, the investigation found sufficient evidence to uphold at least one alleged offense.

Figure 15: Outcomes of Bureau of Prisons (BOP) Employee Misconduct Cases Closed from October 2013 – February 2025 by Category



Source: GAO analysis of Bureau of Prisons data. | GAO-25-107339

Accessible Data for Figure 15: Outcomes of Bureau of Prisons (BOP) Employee Misconduct Cases Closed from October 2013 – February 2025 by Category

| Category                                                                         | Sustained | Not Sustained or Unfounded | Administrative Closure | Total  |
|----------------------------------------------------------------------------------|-----------|----------------------------|------------------------|--------|
| Category 3 case: Allegation of administrative misconduct.                        | 11,410    | 7,512                      | 4,086                  | 23,008 |
| Category 2 case: Allegation of serious but unlikely to be prosecuted misconduct. | 4,049     | 5,881                      | 2,171                  | 12,101 |
| Category 1 case: Allegation of criminal misconduct.                              | 2,468     | 5,850                      | 1,517                  | 9,835  |

Source: GAO analysis of Bureau of Prisons data. GAO-25-107339

Note: This figure includes cases that were reported from October 2013 through February 2025 and closed during that period. As such, cases reported prior to October 2013 are not included, and we excluded 12 cases that were missing an outcome in BOP's data. While BOP's Office of Internal Affairs investigates most cases, a small number are investigated by the Department of Justice, Office of the Inspector General or another body, such as the Federal Bureau of Investigation. According to officials, BOP receives reports on the outcomes of cases other agencies investigate and is ultimately responsible for disciplining its employees, when applicable.

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**Appendix VI: Data on Outcomes of Bureau of Prisons Employee Misconduct Cases, October 2013 through February 2025**

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<sup>a</sup>According to BOP documentation, an allegation is sustained if it is supported by admission or a “preponderance of evidence.” A “preponderance of evidence” is the degree of relevant evidence that a reasonable person, considering the record as a whole, would accept as sufficient to find that a contested fact is more likely to be true than untrue. 5 C.F.R. § 1201.4(q).

<sup>b</sup>An allegation is not sustained if there is insufficient evidence to support the allegation and there is no additional contrary evidence to refute the allegation and the allegation cannot otherwise be reasonably dismissed as without merit or substance. An allegation is unfounded if the evidence refutes the allegation or the allegation can be reasonably dismissed as without merit or substance.

<sup>c</sup>BOP administratively closes a case when the investigation cannot be completed, such as when the employee under investigation has resigned, retired, or died.

## Appendix VII: Comments from the Department of Justice



U.S. Department of Justice

Federal Bureau of Prisons

Office of the Director

Washington, DC 20534

September 3, 2025

Ms. Gretta L. Goodwin  
Director  
Homeland Security and Justice  
Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Dear Ms. Goodwin,

The Federal Bureau of Prisons (BOP) appreciates the opportunity to review and comment on the Government Accountability Office's (GAO's) draft report entitled, "Strategic Approach Needed to Prevent and Address Employee Misconduct" (107339).

The BOP prioritizes the need to enhance its investigative and disciplinary processes to ensure agency credibility and integrity. Furthermore, it is important to the BOP that both employees and inmates are fully aware of the BOP's Program Statement (PS) 3420.12, Standards of Employee Conduct, and the standards that apply to all employees; the investigatory and disciplinary processes; and how to promptly report allegations of employee misconduct.

The BOP is committed to identifying misconduct, including waste, fraud, abuse, and violations of the BOP's Standards of Employee Conduct, and holding accountable those who engage in such actions. The BOP has previously taken the following actions to address employee misconduct and prioritize responsiveness and accountability:

1. Significantly increased staffing levels in the BOP's Office of General Counsel (OGC), particularly within the Office of Internal Affairs (OIA) and Employee Law Branch (ELB) subcomponents. Specifically, beginning August 2023, the BOP expanded OIA by 119 positions, including 32 new SIA positions, 12 new Special Agent (SA) positions, 8 new Supervisory Special Agents (SSA), and 1 Senior Investigative Support Specialist (ISS). In addition, in January 2024, the ELB reorganization was completed and became fully staffed by adding 14 new positions, including 9 attorneys, to handle disciplinary recommendations once OIA completes its investigations.
2. Two years ago, the BOP reorganized OIA and moved oversight of the Special Investigative Agents (SIAs) from reporting locally to Wardens, to reporting centrally to BOP Headquarters. The BOP's reorganization of its OIA continues to produce substantial

GAO-Strategic Approach Needed to Prevent and Address Employee Misconduct 107339

Date: September 3, 2025

Page 2 of 5

results by allowing for a more focused and unified effort toward addressing employee misconduct investigations.

3. Between July 1, 2024, and August 1, 2025, the BOP's OIA:
  - Closed 7,500 open investigations.
  - Completed 1,500 investigations, which are now pending disciplinary action.
  - Reduced the current open investigations to 5,179 from the 7,290 investigations reported one year ago despite additional new investigations being opened.
  - Reduced the number of investigations open for more than 18 months from 2,306 to 1,472.

The BOP has taken significant steps in reducing the backlog of employee misconduct cases, expediting investigations, and enhancing employee training within the OIA investigative staff ranks. The BOP welcomes GAO's efforts to further assist the BOP with our dedicated efforts to root out employee misconduct. To that end, the BOP offers the following responses to the recommendations:

**Recommendation 1:** The Director of BOP should revise the BOP's program statement on investigative policy to correctly cite *Kalkines v. United States* as the applicable legal decision for the administrative warning that OIA conveys before conducting compelled interviews.

**BOP Response:** The BOP concurs with this response and will revise the BOP's Program Statement (PS) 1210.25, Office of Internal Affairs, to correctly cite *Kalkines v. United States* as the applicable legal decision for the administrative warning that OIA conveys before conducting compelled interviews. Because revisions to Program Statements must follow the BOP development and finalization process, they are subject to change. Further updates will be provided as they are available.

**Recommendation Two:** The Director of BOP should develop and implement a communication strategy that fully informs incarcerated individuals about employee misconduct offenses that affect their health and safety.

**BOP Response:** The BOP concurs with this recommendation and will develop and implement a communication strategy that fully informs incarcerated individuals about employee misconduct offenses that affect their health and safety. Program Statement (PS) 5324.12, Sexually Abusive Prevention and Intervention Program, already addresses the ability of inmates to report sexual abuse and sexual harassment by inmates or employees. Both that policy and PS 3420.12, Standards of Employee Conduct, covering health and safety related employee misconduct are available to all inmates through the institutional law library. The BOP's Admission and Orientation (A&O) handbook accurately depicts the reporting process for inmates to utilize as a guide for reporting specific types of misconduct. The A&O handbook explains that inmates have the right to report employee misconduct without reprisal. It should be noted that the OIA



GAO-Strategic Approach Needed to Prevent and Address Employee Misconduct 107339

Date: September 3, 2025

Page 3 of 5

routinely receives misconduct allegations which originate from inmate emails, written letters, and verbal statements to employees about physical abuse, introduction of contraband, bribery, and nearly all other forms of misconduct specified in PS 3420.12, Standards of Employee Conduct.

That stated, the BOP agrees the agency is always best served by a well-informed population. BOP therefore proposes this recommendation can be accomplished through additional signage and/or amendments to the Inmate A&O handbook, which will specify the applicable policy to reference when health and safety related employee misconduct allegations arise.

**Recommendation Three:** The Director of BOP should (a) develop a routine and systematic approach for sharing employee feedback specific to the Standards of Employee Conduct training with regional and central offices and (b) use this feedback to help improve its design, delivery, and overall effectiveness.

**BOP Response:** The BOP concurs with this response and will develop a routine and systematic approach for sharing employee feedback specific to the Standards of Employee Conduct training with regional and central offices and the BOP will use this feedback to help improve its design, delivery, and overall effectiveness. The Human Resource Management Division (HRMD) has collaborated with the BOP's Office of General Counsel's (OGC) Ethics Office to develop a standardized evaluation form. The form was disseminated to all BOP Employee Development Offices (EDOs) on August 29, 2025. The local EDO is responsible for reviewing their local course evaluations for the Annual Training 2025 program, summarizing the feedback for Ethics/Standards of Conduct, then completing the provided Microsoft Form. The data submitted via Microsoft Forms will be exported to an Excel spreadsheet by the Central Office Learning and Career Development Branch. This spreadsheet will be shared with the Ethics Office annually to inform training revisions to enhance the design, delivery, and overall effectiveness of the content.

**Recommendation Four:** The Director of BOP should develop and implement an approach to routinely and fully assess employee misconduct data, identify trends across more than 2 years and within and across facilities, and identify any challenge areas to help focus efforts to prevent and address employee misconduct.

**BOP Response:** The BOP concurs with this recommendation. The BOP notes employee misconduct data is already captured via OIA annual reports. However, development and implementation of an approach to routinely and fully assess employee misconduct data, identify trends across more than two years and within and across facilities, and identify any challenge areas to help focus efforts to prevent and address employee misconduct would require creation and development of a new data system. OIA's current Case File Management (CFM) system is not capable of trend and challenge area identification. Implementation of this recommendation will require significant additional resources.

GAO-Strategic Approach Needed to Prevent and Address Employee Misconduct 107339

Date: September 3, 2025

Page 4 of 5

**Recommendation Five:** The Director of BOP, after implementing routine assessments of employee misconduct data, should implement targeted approaches to address the identified trends and challenge areas in employee misconduct.

**BOP Response:** The BOP concurs with this recommendation. The BOP notes employee misconduct data is already captured via OIA annual reports. However, identification of trends and implementation of targeted approaches to address trends in challenge areas in employee misconduct would require creation and development of a new data system. OIA's current CFM system is not capable of trend and challenge area identification. Implementation of this recommendation will require significant additional resources.

**Recommendation Six:** The Director of BOP should document and implement a comprehensive plan that establishes responsibilities, measurable goals, and milestones for investigating and disciplining employee misconduct cases to ensure accountability for meeting those goals.

**BOP Response:** The BOP concurs with this recommendation. The BOP recognizes the importance of ensuring accountability in investigating and disciplining employee misconduct cases and agrees with the need to create comprehensive plans for both the investigative and adjudicative phases.

Notably, the BOP has implemented a comprehensive restructuring of the investigative process. The restructuring was authorized and began implementation in 2023 and included a significant expansion and realignment of personnel in OIA. Measurable goals continue to be met, surpassed, and updated as the investigative backlog continues to decrease even as thousands of new investigations have been opened each year. The measurable success of the OIA realignment cannot be understated and new goals, expectations, and responsibilities are being established as investigative timelines and total numbers continue to decrease.

In terms of reporting, the total number of cases and the number of cases considered to be in the backlog (those matters that have been open for more than 180 days) are reported to the leadership of the agency monthly. As the caseload of each facility fluctuates over time, both long-term and short-term planning is done to address this dynamic issue. While OIA has not yet reached its goal of eliminating the backlog of justiciable matters, progress continues monthly. In the meantime, a quarterly goal of 10% reduction in the existing backlog will be added to the report shared with leadership to help ensure accountability.

To the extent this recommendation calls for development of a comprehensive plan related to the adjudication phase, OGC and HRMD have begun evaluating options to address this recommendation.

GAO-Strategic Approach Needed to Prevent and Address Employee Misconduct 107339

Date: September 3, 2025

Page 5 of 5

**Recommendation Seven:** The Director of BOP should (a) establish target timeframes for each step in the employee disciplinary process and (b) designate responsibilities for developing and implementing a method of routinely evaluating the extent to which it is meeting targets.

**BOP Response:** The BOP concurs with this recommendation. While the BOP recognizes the importance of an efficient and expeditious adjudication process, it is difficult to establish firm deadlines to which the process must adhere for the following reasons.

First, each case is unique, and it is impossible to anticipate the unique factors or complexities which may be involved, or which may impede timely adjudication of cases. While timeliness is important, the BOP will not compromise the integrity or defensibility of its disciplinary adjudications. Second, in many disciplinary cases, there may be outside law enforcement considerations which may cause unforeseen delays in the adjudication process.

That stated, OGC and HRMD have begun evaluating options to address this recommendation and plan to address this as part of the development of its comprehensive plan referenced in Recommendation Six.

**Recommendation Eight:** The Director of BOP, after establishing target timeframes for steps in the employee disciplinary process, should develop and implement an approach to identify and address any delays in the employee disciplinary process that hinders its ability to meet target timeframes.

**BOP Response:** The BOP concurs with this recommendation. That stated, as noted in the response to recommendation seven, the BOP does have concerns related to the implementation of target timeframes as part of the comprehensive plan. Further, there is a concern that the availability of resources may delay the resolution of this recommendation. However, OGC and the HRMD have begun evaluating options to address this recommendation.

Thank you for the opportunity to provide a response. We look forward to working with GAO regarding the implementation of these recommendations.

Sincerely,



William K. Marshall III  
Director

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## Accessible text for Appendix VII: Comments from the Department of Justice

September 3, 2025

Ms. Gretta L. Goodwin  
Director  
Homeland Security and Justice  
Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Dear Ms. Goodwin,

The Federal Bureau of Prisons (BOP) appreciates the opportunity to review and comment on the Government Accountability Office's (GAO's) draft report entitled, "Strategic Approach Needed to Prevent and Address Employee Misconduct" (107339).

The BOP prioritizes the need to enhance its investigative and disciplinary processes to ensure agency credibility and integrity. Furthermore, it is important to the BOP that both employees and inmates are fully aware of the BOP's Program Statement (PS) 3420.12, Standards of Employee Conduct, and the standards that apply to all employees; the investigatory and disciplinary processes; and how to promptly report allegations of employee misconduct.

The BOP is committed to identifying misconduct, including waste, fraud, abuse, and violations of the BOP's Standards of Employee Conduct, and holding accountable those who engage in such actions. The BOP has previously taken the following actions to address employee misconduct and prioritize responsiveness and accountability:

1. Significantly increased staffing levels in the BOP's Office of General Counsel (OGC), particularly within the Office of Internal Affairs (OIA) and Employee Law Branch (ELB) subcomponents. Specifically, beginning August 2023, the BOP expanded OIA by 119 positions, including 32 new SIA positions, 12 new Special Agent (SA) positions, 8 new Supervisory Special Agents (SSA), and 1 Senior Investigative Support Specialist (ISS). In addition, in January 2024, the ELB reorganization was completed and became fully staffed by adding 14 new positions, including 9 attorneys, to handle disciplinary recommendations once OIA completes its investigations.
2. Two years ago, the BOP reorganized OIA and moved oversight of the Special Investigative Agents (SIAs) from reporting locally to Wardens, to reporting centrally to BOP Headquarters. The BOP's reorganization of its OIA continues to produce substantial results by allowing for a more focused and unified effort toward addressing employee misconduct investigations.
3. Between July 1, 2024, and August 1, 2025, the BOP's OIA:
  - Closed 7,500 open investigations.
  - Completed 1,500 investigations, which are now pending disciplinary action.

- Reduced the current open investigations to 5,179 from the 7,290 investigations reported one year ago despite additional new investigations being opened.
- Reduced the number of investigations open for more than 18 months from 2,306 to 1,472.

The BOP has taken significant steps in reducing the backlog of employee misconduct cases, expediting investigations, and enhancing employee training within the OIA investigative staff ranks. The BOP welcomes GAO's efforts to further assist the BOP with our dedicated efforts to root out employee misconduct. To that end, the BOP offers the following responses to the recommendations:

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Sincerely,

William K. Marshall III  
Director

## Appendix VIII: GAO Contact and Staff Acknowledgments

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### GAO Contact

Gretta L. Goodwin, [goodwing@gao.gov](mailto:goodwing@gao.gov)

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### Staff Acknowledgments

In addition to the contact named above, Joy A. Booth (Assistant Director), James Lawson (Analyst-in-Charge), Howard Arp, Lauri Barnes, Billy Commons, Elizabeth Dretsch, Eric Hauswirth, Shirley Hwang, Alison Knowles, Brian Pegram, and John Tamariz made key contributions to this report.





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