



Office of the Inspector General  
U.S. Department of Justice



# **Management of the Special Programs Unit at the Federal Bureau of Prisons Metropolitan Detention Center in Brooklyn, New York**

# EXECUTIVE SUMMARY

## Introduction

Ronell Wilson was convicted in 2006 in the U.S. District Court for the Eastern District of New York of capital murder for killing two undercover New York City police detectives. In 2007, Judge Nicholas Garaufis sentenced Wilson to death. On February 18, 2011, the U.S. Court of Appeals for the Second Circuit affirmed Wilson's conviction but vacated the death sentence and remanded the case for a new penalty phase trial. On July 24, 2013, a federal jury again unanimously returned a death penalty recommendation and, on September 10, 2013, Judge Garaufis reinstated the death sentence.

While at the Federal Bureau of Prisons (BOP) Metropolitan Detention Center in Brooklyn, New York (MDC Brooklyn) awaiting the new penalty phase trial and resentencing, Wilson had a months-long sexual relationship with then Correctional Officer Nancy Gonzalez that resulted in the birth of their child. Gonzalez's conduct was investigated by the Investigations Division of the Department of Justice Office of the Inspector General (OIG), and she was prosecuted for and convicted of Sexual Intercourse with a Ward.

During Wilson's resentencing hearing in 2013, an inmate housed in the same unit as Wilson testified that he and another inmate had submitted a handwritten complaint to MDC Brooklyn's head of security, reporting Gonzalez's sexual relationship with Wilson. Testimony alleged that, following the inmates' complaint, Wilson held an inquisition in the housing unit to determine who had reported him. The OIG Investigations Division investigated the possibility that a Correctional Officer in the unit in which Wilson was housed (the Special Programs Unit (SPU)) gave the inmates' complaint to Gonzalez, who subsequently gave it to Wilson; but the OIG could not substantiate the information.<sup>1</sup> Inmates also testified at the resentencing hearing that Wilson bullied them and manipulated staff in a variety of ways.

Judge Garaufis's opinion regarding Wilson's resentencing cited "the apparent ineptitude of the Bureau of Prisons" and recommended that the OIG "examine the management, policies, and procedures of the MDC that allowed [Wilson's] behavior to occur, placing at risk of harm other inmates and the many hard working personnel at the facility."

## Objective and Scope

Our review sought to determine whether MDC Brooklyn's management controls, policies, procedures, and practices could have contributed to Wilson's

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<sup>1</sup> The SPU was established at MDC Brooklyn in October 2000, primarily to house inmates with mental health conditions who require greater control, supervision, or monitoring than afforded in a typical general population unit. The SPU also houses certain inmates whose characteristics may increase their likelihood of physical or sexual victimization while incarcerated.

alleged disruption of the safety and security of inmates and staff in the SPU from March 2011 to August 2012, and whether any such issues reflected more general problems that need to be addressed at the facility.

## **Results in Brief**

Although the events the court noted in its resentencing opinion were due in large measure to the criminal actions of Gonzalez and the alleged misconduct of another Correctional Officer, we identified concerns related to the BOP's placement of Wilson in the SPU with vulnerable inmates without implementing safeguards or providing guidance to correctional staff. We also noted areas where MDC Brooklyn's ability to communicate information across shifts and housing units should be improved. However, we did not find that these communications deficiencies directly led to the incidents that were the subject of our review. During the course of our review, MDC Brooklyn management began to address some of the concerns we identified.

### *Wilson Was Assigned to the SPU without Management Implementing Safeguards To Prevent and Detect His Disruption of the Safety and Security of the Unit*

MDC Brooklyn senior management (management) recognized the need to closely monitor Wilson because of his violent history and gang member status.<sup>2</sup> Management told us that they would have preferred to assign Wilson to the Special Housing Unit (SHU) for the duration of his resentencing proceedings, but they believed this was not an option because his death sentence had been vacated and during a previous incarceration at MDC Brooklyn the court issued an order requiring MDC Brooklyn to remove Wilson from the SHU and reassign him to general population, subject to his continued good behavior.<sup>3</sup> After a brief initial period in the SHU, management assigned Wilson to the SPU knowing that he would be housed with vulnerable inmates. Management told us they assigned Wilson to the SPU rather than a general population unit because the SPU is significantly smaller in size and population than typical general population units at MDC Brooklyn, which they assumed would make it easier for Correctional Officers to monitor him.

While the SPU primarily houses inmates with mental health conditions, the unit's procedures also allow MDC Brooklyn's management to house inmates without mental health conditions there. However, SPU procedures do not provide any instructions for staff on how to manage inmates like Wilson who have not been classified as needing the BOP's mental health services and who could potentially intimidate other SPU inmates. In addition, management did not provide any special instructions to staff on how to manage Wilson differently while he was in the SPU.

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<sup>2</sup> We define senior management at MDC Brooklyn as the Warden, Associate Wardens, and the Captain.

<sup>3</sup> SHUs are housing units in BOP institutions where inmates are securely separated from the general inmate population and may be housed either alone or with other inmates. See BOP Program Statement 5270.10, Special Housing Units (August 1, 2011).

As a result, staff told us that they generally did not manage Wilson differently than other inmates in the SPU.

While it is clear that Wilson's relationship with Gonzalez disrupted the safety and security of the institution, we could not determine the extent to which the inmates' allegations of bullying and manipulation occurred. Staff told us they were unaware of instances when Wilson's behavior should have prompted them to write an incident report, and the unit's documentation that we reviewed does not corroborate the inmates' statements.

*During Our Review, Management Took Steps To Improve Communication Related to the Safety and Security of MDC Brooklyn; However, Areas of Concern Remain*

We identified several instances in which MDC Brooklyn policy was unclear and may not have been fully communicated to staff. For example, we found that MDC Brooklyn issued a revised SPU memorandum in January 2015, making it part of the directives (known as post orders) for staff in the SPU; however, some staff did not recall ever seeing this version or any previous versions.<sup>4</sup> We also found certain post orders in place at the time of our review did not ensure that Correctional Officers routinely conducted searches of all housing unit cells. Further, we found that the policy as to how staff should handle sealed inmate complaints that have been placed in unit mailboxes needs to be clarified. Finally, we found that MDC Brooklyn should consider additional steps to improve its methods to ensure relevant security information is consistently shared across shifts and housing units.

## **Recommendations**

We make five recommendations in this report to improve MDC Brooklyn's policies and procedures when managing inmates in the SPU who do not have a mental health condition, to ensure staff is notified of the process for handling sealed inmate complaints, to ensure that supervisors verify that staff is conducting searches of all housing unit cells within the time policy requires, and to ensure that staff receive relevant security information.

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<sup>4</sup> The Chief Psychologist originally issued the Operational Procedures for Unit K-81, Special Programs Unit (the SPU memorandum) to the then Warden on November 10, 2011, and again on November 19, 2013. During the course of our review, MDC Brooklyn issued a new SPU memorandum reflecting significant changes from the 2011 and 2013 memoranda. Chief Psychologist, MDC Brooklyn, memorandum to Warden, Operational Procedures for Unit K-81, Special Programs Unit, January 14, 2015.

## TABLE OF CONTENTS

INTRODUCTION.....	1
FINDINGS.....	9
Wilson Was Assigned to the SPU without Management Implementing Safeguards To Prevent and Detect His Disruption of the Safety and Security of the Unit .....	9
During Our Review, Management Took Steps To Improve Communication Related to the Safety and Security of MDC Brooklyn; However, Areas of Concern Remain.....	16
CONCLUSION AND RECOMMENDATIONS .....	21
Conclusion.....	21
Recommendations .....	22
APPENDIX 1: SCOPE AND METHODOLOGY OF THE OIG REVIEW .....	23
Interviews .....	23
Site Visits .....	23
Document Review.....	24
APPENDIX 2: THE BOP'S RESPONSE TO THE DRAFT REPORT.....	25
APPENDIX 3: OIG ANALYSIS OF THE BOP'S RESPONSE .....	28
The BOP's General Comments .....	28
The BOP's Response to Recommendations.....	28

## INTRODUCTION

Ronell Wilson was found guilty of the March 10, 2003, capital murder of two undercover New York City police detectives who were posing as gun buyers in Staten Island, New York. Wilson, a member of the Bloods gang, shot them each in the back of the head at point blank range. After a trial before Judge Nicholas Garaufis of the U.S. District Court for the Eastern District of New York, a jury found Wilson guilty of capital murder on December 20, 2006. On March 29, 2007, Judge Garaufis sentenced him to death — the first federal death sentence in New York State in over 50 years.<sup>5</sup>

On February 18, 2011, the Second Circuit Court of Appeals affirmed Wilson's conviction but vacated his death sentence based on constitutional grounds and sent the case back to the Eastern District of New York for a new penalty phase trial.<sup>6</sup> On July 24, 2013, a federal jury unanimously returned a death penalty recommendation. On September 10, 2013, Judge Garaufis reinstated the death sentence. During the trial and again during the resentencing proceedings, Wilson was incarcerated at the Federal Bureau of Prisons (BOP) Metropolitan Detention Center in Brooklyn, New York (MDC Brooklyn).<sup>7</sup>

After hearing extensive testimony during the resentencing proceedings about Wilson's incarceration at MDC Brooklyn, Judge Garaufis found that, "not only did Mr. Wilson's behavior in prison illuminate his continuing lack of remorse and disregard for authority, but it also shed light on the apparent ineptitude of the [Federal] Bureau of Prisons."

In his opinion, the Judge expressed concerns in three general areas. First, Wilson was able to carry on "a months-long sexual relationship" with Correctional Officer Nancy Gonzalez "that resulted in the birth of their child." Second, Wilson allegedly was given a handwritten complaint addressed to MDC Brooklyn's head of security, reporting Gonzalez's sexual relationship with Wilson. He then allegedly held "an inquisition in the housing unit, interrogating inmate after inmate to determine who had reported him." Finally, Wilson "was permitted to treat MDC as his own private fiefdom" by manipulating staff members to his advantage and intimidating more-vulnerable inmates. The Judge therefore recommended that the Department of Justice Office of the Inspector General (OIG) "examine the management, policies, and procedures of the MDC that allowed [Wilson's alleged behavior] to occur, placing at risk of harm other inmates and the many hard working personnel at the facility."

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<sup>5</sup> See *United States v. Wilson*, 04-CR-1016 (ED NY, December 20, 2006) (guilty verdict). See also *United States v. Wilson*, 04-CR-1016 (ED NY, March 30, 2007) (sentencing order).

<sup>6</sup> The Second Circuit Court of Appeals found in substance that the prosecution's arguments related to the issues of remorse, acceptance of responsibility, and future dangerousness impaired Wilson's constitutional rights.

<sup>7</sup> Wilson is currently incarcerated at the U.S. Penitentiary Terre Haute, Indiana, awaiting execution.

Our review focused on whether weaknesses in management controls, policies, procedures, and practices contributed to Wilson's alleged manipulation of staff and intimidation of vulnerable inmates in his housing unit. The OIG's Investigations Division investigated the inmates' allegation that Wilson was given a copy of their complaint; however, the OIG was unable to substantiate the allegation. The sexual relationship between Wilson and Gonzalez resulted in Gonzalez's criminal conviction for Sexual Intercourse with a Ward, and she was sentenced to 12 months and 1 day in federal prison.<sup>8</sup>

In this introduction section, we provide a general overview of MDC Brooklyn; a description of MDC Brooklyn's Special Programs Unit (SPU); current BOP Office of Internal Affairs sexual abuse statistics; information about Wilson's conviction and death penalty sentencing; and Wilson's first and second confinement at MDC Brooklyn, including allegations inmates raised while Wilson was pending resentencing.

## **Metropolitan Detention Center in Brooklyn, New York**

MDC Brooklyn is the largest federal metropolitan detention center in the country, currently housing approximately 1,853 inmates and employing over 500 staff members. The institution's mission is to house federal detainees from the New York metropolitan areas who are going through the federal judicial process. As an administrative security facility, MDC Brooklyn houses all types of offenders — sometimes including high-profile offenders — with a variety of criminal histories including terrorism, organized crime, and drug smuggling.<sup>9</sup> Generally, offenders are housed on a short-term basis averaging 120 to 180 days and, after conviction and sentencing, are assigned by the BOP to facilities that house sentenced inmates around the country.

### *The SPU at MDC Brooklyn*

In October 2000, MDC Brooklyn established the SPU, also known as Unit K-81, primarily to house inmates with mental health conditions who require greater control, supervision, or monitoring than afforded in a typical general population unit. The SPU also houses certain inmates whose characteristics may increase their likelihood of physical or sexual victimization while incarcerated.<sup>10</sup> The SPU is significantly smaller than other general population units, housing approximately 30 inmates compared to over 120 in typical general population units.

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<sup>8</sup> See *United States v. Nancy Gonzalez*, 13-CR-00122 (ED NY, February 19, 2014) (sentencing order). The BOP terminated Gonzalez's employment on July 27, 2013.

<sup>9</sup> Administrative facilities are institutions with special missions, where inmates are assigned based on factors other than security and/or staff supervision (for example, medical/mental health, pretrial and holdover). Administrative institutions are designed to house all security level inmates. See BOP Program Statement 5100.08, Inmate Security Designation and Custody Classification (September 12, 2006).

<sup>10</sup> These characteristics include physical handicap and physical appearance, for example, blind inmates or preoperative transsexual inmates.

There are two types of MDC Brooklyn staff with responsibility for overseeing inmates in the SPU: the unit team who are assigned to that floor and security staff who may rotate quarterly.<sup>11</sup> Correctional Officers assigned to the SPU are responsible for ensuring the security and sanitation of the unit and the safety and accountability of the inmates. Lieutenants have a variety of responsibilities, including conducting rounds to supervise Correctional Officers. Because they are required to make rounds for many units and have various other supervisory duties, Lieutenants typically spend approximately 5 minutes in any one unit, including the SPU, during each 8-hour shift.<sup>12</sup> In addition to the unit team and security staff, there is a Psychologist, also known as the SPU Coordinator, permanently assigned to the SPU. The SPU Coordinator has an office located directly outside the SPU's door.<sup>13</sup>

### MDC Brooklyn Directives Governing the SPU

Two main documents lay out the procedures for SPU staff to follow. The post orders lay out specific tasks and duties that must be performed on each shift.<sup>14</sup> For example, the post orders state that the Morning Watch Officer for each unit is required to collect and screen the outgoing inmate mail at 1 a.m. In 2011 and again in 2013, MDC Brooklyn issued the Operational Procedures for Unit K-81, Special Programs Unit (the SPU memorandum), which contains information on managing the SPU, including the purpose of the unit, the types of inmates who can be assigned there, and the criteria for assigning inmates to the unit.<sup>15</sup>

Both versions of this memorandum describe various ways that inmates can be assigned to the SPU. Specifically, they state that the SPU serves "primarily as a placement for individuals suffering from a mental disorder, severe personality disorder, or medical condition that require greater control, supervision, or

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<sup>11</sup> The unit team, which includes the Unit Manager, Case Manager, Correctional Counselor, and Unit Secretary, is tasked with determining and monitoring inmate program needs, such as counseling groups or recreation programs. The unit team also oversees other inmates on the same floor. Security staff includes Correctional Officers and Lieutenants.

<sup>12</sup> According to MDC Brooklyn's specific post orders, three shifts collectively span a 24-hour day. Correctional Officers can serve on morning, day, or evening shifts.

<sup>13</sup> The SPU Coordinator assists the Correctional Officer on duty as needed, conducts meetings with the inmates to address issues they may have and to solve problems, and has some responsibility for cell assignments. In addition to other responsibilities for the institution as a whole, the Chief Psychologist supervises the SPU Coordinator, oversees management of the SPU, and authors updates to the SPU memorandum (described below).

<sup>14</sup> In addition to specific post orders, MDC Brooklyn unit staff are governed by special post orders that provide a general overview of Correctional Officers' responsibilities, for example, how the Correctional Officer is required to handle inmate mail.

<sup>15</sup> The Chief Psychologist originally issued the SPU memorandum to the then Warden on November 10, 2011, and issued a revised version on November 19, 2013. The 2011 SPU memorandum was in effect at the time the events we reviewed took place. During the course of our review, MDC Brooklyn issued a new SPU memorandum reflecting significant changes from the 2011 and 2013 memoranda. Chief Psychologist, MDC Brooklyn, memorandum to Warden, Operational Procedures for Unit K-81, Special Programs Unit, January 14, 2015.



monitoring than afforded in a general population unit." In addition, these memoranda note that "other special-need individuals may be appropriate placements for the SPU due to having other characteristics which may increase the likelihood of physical and/or sexual victimization."<sup>16</sup> These memoranda also allow the Warden and his executive staff the discretion to assign inmates who, because of particular "demographic, legal, or other characteristics," will be better managed in the smaller and more closely monitored housing setting of the SPU. Specific examples identified in the memoranda include inmates with sex offense charges adjusting poorly to the larger general population units, as well as certain high-profile cases. In these memoranda, the Warden and his executive staff are the only officials with authority to assign these inmates to the SPU, following a "courtesy notification" to the Chief Psychologist and/or the SPU Coordinator "for proper and safe cell and cellmate assignment." Pursuant to these memoranda, the Warden infrequently may also assign inmates to the SPU for population control purposes. These memoranda require that, for such population control placements, the Warden consult the Chief Psychologist to assist in the selection of inmates who can adequately adjust to the SPU and who will not negatively impact other inmates in the unit.

#### Allegations of Sexual Abuse of Inmates at MDC Brooklyn

In light of Gonzalez's sexual relationship with Wilson, as part of our review we looked at the number of reported allegations of sexual abuse of inmates by staff at MDC Brooklyn and all BOP facilities by reviewing the most recent BOP Office of Internal Affairs report of allegations of sexual abuse. Because there are still BOP cases pending completion and the relatively small number of allegations at MDC Brooklyn, we were unable to draw meaningful historical comparisons between the number of reported and substantiated allegations throughout BOP and at that one facility. However, the Internal Affairs report, issued in March 2015, does contain statistics on the number of reported and substantiated allegations of sexual abuse of inmates by fiscal year (FY), including a description of what the investigating entity found in each case as well as the number of allegations reported in that fiscal year that are still pending.<sup>17</sup> The table below shows that from FY 2010 through FY 2014 there were 2,618 allegations of sexual abuse reported at BOP institutions, contract halfway house facilities, and privatized facilities, of which 140 were substantiated. MDC Brooklyn specifically had 27 reported allegations with 2 substantiated during that 5-year period. Both of these allegations involved female Correctional Officers having inappropriate relationships with male inmates.<sup>18</sup>

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<sup>16</sup> For example, the SPU memoranda noted some characteristics like physical handicap and physical appearance.

<sup>17</sup> The OIG Investigations Division receives complaints and reports of alleged misconduct directly from individuals and also forwarded from the BOP. The OIG has the right of first refusal to investigate these complaints. For each case, the Investigations Division may determine that it warrants investigation by the OIG or may refer it back to the BOP for investigation.

<sup>18</sup> The statistical information in the table includes allegations of Unprofessional Conduct of a Sexual Nature (e.g., inappropriate comments, voyeurism), and is not solely a reflection of sexual relationships like that of inmate Wilson and former Correctional Officer Gonzalez.

One of these involved Gonzalez and her relationship with Wilson that is the subject of our review.<sup>19</sup>

**Table**  
**Allegations of Sexual Abuse of Inmates by Staff in BOP Institutions**  
**FY 2010 – FY 2014**

Year	All BOP Inmate Population	All BOP Reported Allegations	All BOP Substantiated Allegations	MDC Brooklyn Inmate Population	MDC Brooklyn Reported Allegations	MDC Brooklyn Substantiated Allegations
2010	210,154	415	34	2,685	3	1
2011	217,562	392	29	2,376	4	0
2012	218,665	549	37	2,264	8	1
2013	219,323	675	30	2,312	4	0
2014	214,365	587	10	1,977	8	0
<b>Total</b>	<b>---</b>	<b>2,618</b>	<b>140</b>	<b>---</b>	<b>27</b>	<b>2</b>

Note: The BOP reports out the number of cases that were substantiated during each quarter, but not all allegations are completely investigated or substantiated in the year they are reported. For example, there were 415 allegations of sexual abuse reported in FY 2010 but there were 4 allegations still pending as of March 2015. In addition, we used full fiscal years and thus included only the numbers through FY 2014.

Source: BOP Office of Internal Affairs.

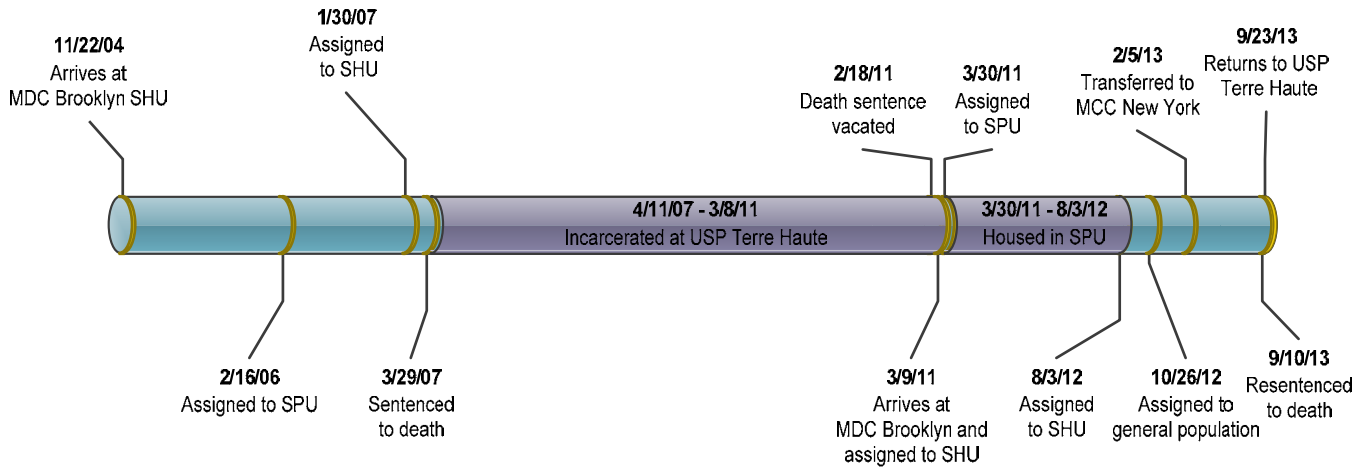
### **Ronell Wilson’s Incarceration at MDC Brooklyn**

Wilson was incarcerated at MDC Brooklyn twice: the first time during his original trial and death penalty proceedings in 2004 and the second time during his death penalty resentencing in 2011. (See the figure below.)

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<sup>19</sup> The other sustained allegation was in FY 2010 and involved unprofessional conduct of a sexual nature by a female Correctional Officer with a male inmate. The OIG investigated the allegation, and the employee resigned. The government declined to prosecute the case.

**Figure**  
**Ronell Wilson's BOP Incarceration Timeline**



Source: BOP central file and court documents.

### *Wilson's First Confinement at MDC Brooklyn*

Wilson's first confinement at MDC Brooklyn began on November 22, 2004, when he was transferred to federal custody and assigned to the Special Housing Unit (SHU).<sup>20</sup> During the first 15 months Wilson remained in the SHU, his attorneys repeatedly petitioned the court to remove him, arguing that confining him in the SHU was impeding his participation in his legal defense. In a January 6, 2006, hearing on one of these motions, Judge Garaufis found that Wilson's confinement in the SHU was "based on legitimate security concerns arising from" his repeated violations while incarcerated at MDC Brooklyn and Rikers Island and the fact that he had been charged with intentionally murdering two law enforcement officers. However, since Wilson had not incurred any disciplinary infractions since mid-October 2005, the Judge said he would be open to reconsidering Wilson's motion if Wilson followed the rules for a sustained period of time. Judge Garaufis noted that he expected the Warden to consider moving Wilson to the general population if he did not incur any disciplinary infractions and directed MDC Brooklyn to report to him every 30 days on Wilson's status.

The following month MDC Brooklyn advised the court that, while Wilson had "been getting agitated during cell rotations and commissary procedures," he had been in compliance with SHU rules and regulations. Nonetheless, MDC Brooklyn urged the court to refrain from ordering Wilson's transfer from the SHU, arguing, "Based on the totality of the circumstances for his placement in the SHU, we do maintain our position that at this time it is not appropriate to place Wilson in general population." Wilson's attorneys again petitioned the court to have Wilson

<sup>20</sup> SHUs are housing units in BOP institutions where inmates are securely separated from the general inmate population and may be housed in a cell alone or with other inmates. See BOP Program Statement 5270.10, Special Housing Units (August 1, 2011).

moved to the general population for the same reasons as before. On February 9, 2006, Judge Garaufis issued an order requiring MDC Brooklyn to reassign Wilson to general population, subject to Wilson's continued good behavior.

However, almost 1 year later, MDC senior management transferred Wilson back to the SHU after he committed two serious incidents of misconduct. Wilson was subsequently transferred from MDC Brooklyn on March 31, 2007, and arrived at the U.S. Penitentiary in Terre Haute, Indiana (USP Terre Haute) on April 11, 2007, pending his execution.

#### *Wilson's Second Confinement at MDC Brooklyn*

After his appeal resulted in a remand for resentencing, the BOP transferred Wilson from USP Terre Haute on March 8, 2011, and he arrived back at MDC Brooklyn on March 9. MDC Brooklyn management initially housed him in the SHU for 3 weeks, then transferred him to the SPU on March 30, 2011. He was housed in the SPU for approximately 15 months, until he was transferred from the SPU back into the SHU on August 3, 2012, following the allegation that he was having a relationship with then Correctional Officer Gonzalez. He remained in general population at MDC Brooklyn, without returning to the SPU, until February 5, 2013, when he was transferred to the Metropolitan Correctional Center in New York, New York (MCC New York).<sup>21</sup> After Wilson was resentenced on September 10, 2013, the BOP transferred him back to USP Terre Haute on September 17, 2013.

#### Inmate Testimony about Wilson's Behavior in the SPU

During Wilson's resentencing, several inmates testified regarding his behavior while he was housed in the SPU at MDC Brooklyn. Judge Garaufis noted testimony that Wilson "manipulated staff members to his advantage," "intimidated weaker and vulnerable inmates," and was able to carry on "a months-long sexual relationship" with Gonzalez "that resulted in the birth of their child."

Judge Garaufis stated that, based on the testimony, there was substantial evidence concerning Wilson's ability to manipulate staff, including manipulating Gonzalez into having a sexual relationship. Inmates testified that they saw Wilson and Gonzalez kissing and hugging in the unit's activity room, talking outside of Wilson's cell at night, and Gonzalez standing at Wilson's cell door with Wilson with his pants down. Inmates also told the court that, while Gonzalez was pretending to do rounds of the SPU, she was really meeting Wilson inside the activity room.

Inmates also testified that Wilson manipulated a Psychologist in several ways. This included Wilson being allowed to keep his excess legal materials in an empty cell, a violation of MDC Brooklyn policy. Inmates also testified about Wilson being allowed a cell by himself while other SPU inmates had to have cellmates,

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<sup>21</sup> MDC Brooklyn's Warden had Wilson transferred to MCC New York because he was afraid of gang retaliation against staff after a video of Wilson being restrained in the SHU surfaced on the Internet. Wilson's incarceration at MCC New York was not within the scope of our review.

other inmates being prevented from occupying the cells on either side of Wilson's cell, and an inmate who attempted to report Wilson's relationship with Gonzalez being reassigned to a different cell.

During Wilson's resentencing, inmates testified that they were intimidated by Wilson's aggressive behavior, including verbal and physical threats toward them.<sup>22</sup> One inmate told the court that Wilson had talked about his affiliation with the Bloods gang and smiled when he talked about murdering two police officers; he said Wilson had compared himself to armor-piercing bullets, saying that they were both "cop killers." Another inmate testified that after a confrontation regarding the use of the unit's microwave, Wilson had threatened him with a "small ice pick." Additionally, an inmate testified that he did not feel safe in his own cell because Wilson would search his and other inmates' cells.

Inmates gave other examples of Wilson's intimidating behavior, including using threats to try to determine who in the unit had written the complaint reporting his relationship with Gonzalez, confronting an inmate in a menacing way about his homosexuality, forcing an inmate to give up his seat while eating dinner in the unit, monopolizing a television in the unit by not allowing other inmates to change the channel even when he was outside on the basketball court, and monopolizing the computer by turning the computer monitor around so that other inmates could not use it.

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<sup>22</sup> Inmates also testified that Wilson violated institutional rules by exchanging cigarettes and marijuana with other Bloods gang members in the law library and by managing a Facebook account with the assistance of Gonzalez. Another inmate testified that Wilson slipped notes to inmates in other units while working as a kitchen orderly.

## FINDINGS

### **Wilson Was Assigned to the SPU without Management Implementing Safeguards To Prevent and Detect His Disruption of the Safety and Security of the Unit**

We found that MDC Brooklyn senior management (management) recognized the need to closely monitor Ronell Wilson. They told us they would have preferred to assign him to the Special Housing Unit (SHU) for the duration of his resentencing proceedings.<sup>23</sup> However, they also told us they believed that they could not consider SHU placement because the court had vacated Wilson's death sentence and there was a previous court order that required MDC Brooklyn to remove him from the SHU so he could more easily participate in his legal proceedings. After a brief initial assignment to the SHU, management assigned Wilson to the Special Programs Unit (SPU) despite knowing that he would be housed with vulnerable inmates. According to the officials we interviewed, they did this because the SPU is significantly smaller in size and population than other general population units at MDC Brooklyn, which they assumed would make it easier for Correctional Officers to monitor him.<sup>24</sup> While the SPU primarily houses inmates with mental health conditions, the SPU procedures also allow MDC management to house inmates there who do not have mental health conditions. However, the SPU procedures do not provide any instructions for staff on how to manage inmates like Wilson, whom the BOP has not classified as having a mental health condition and who could potentially intimidate other SPU inmates.

In addition, we found that management did not provide any guidance to staff about how to manage Wilson differently than the other inmates in the SPU. As a result, staff told us that they generally did not manage Wilson differently. While Wilson's relationship with Gonzalez was clearly a major concern because it disrupted the safety and security of the institution, we could not determine to what extent the allegations of bullying and manipulation actually occurred because we were unable to corroborate the inmates' statements. However, staff also told us that Wilson could have engaged in disruptive behavior when they were not able to observe it and that some inmates might have observed Wilson's alleged behavior and were too intimidated to report it at the time.

#### *Despite Misgivings, Management Assigned Wilson to the SPU*

The BOP transferred Wilson to MDC Brooklyn for his death penalty resentencing proceedings on March 9, 2011, and he initially was assigned to the SHU there.<sup>25</sup> The Captain, who is the head of security at MDC Brooklyn, told us

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<sup>23</sup> We define senior management at MDC Brooklyn as the Warden, Associate Wardens, and the Captain.

<sup>24</sup> The SPU is significantly smaller than other general population housing units, housing approximately 30 inmates compared to approximately 120 in a typical general population unit.

<sup>25</sup> Wilson was first housed in the SHU upon returning to MDC Brooklyn on March 9, 2011, and was reassigned to the SPU 3 weeks later, on March 30, 2011.

that he assigned Wilson to the SHU for several reasons, including the publicity surrounding his case, and “the influence he might have on other inmates — especially Bloods gang members — because he was a high-ranking leader of the Bloods.” However, the former Warden told us that he and his executive staff did not consider the SHU a permanent option for Wilson because the court had vacated his death penalty sentence. They also did not believe they could defend such a placement to a federal judge if Wilson did not exhibit disruptive behavior.<sup>26</sup> He told us that they believed the options they had for housing Wilson were either a typical general population unit or the SPU, which he described as a “hybrid” between the SHU and the other general population units.<sup>27</sup> The former Warden said he and his executive staff did not want to assign Wilson to a typical general population unit because they believed he would not be sufficiently monitored there and he thought Wilson needed to be where he could receive enhanced staff scrutiny.

Moreover, the Captain said he was reluctant to assign Wilson to a typical general population unit where Wilson would have more frequent interaction with other inmates. The Captain told us he knew that inmates in general population units looked up to Wilson because of the nature of his crime and because his death penalty had been vacated. According to the former Warden, they therefore decided that the SPU would be an appropriate place to assign Wilson because Wilson would be easier to “keep an eye on” if he was among 20–30 inmates rather than over 100.

While the SPU primarily houses inmates with a mental health condition, or inmates whose characteristics may increase their likelihood of physical or sexual victimization, we learned that the 2011 and 2013 SPU memoranda gave the Warden or executive staff the discretion to assign inmates to the SPU who had neither a mental health condition nor were more likely to be victimized. This discretion included assigning inmates to the SPU for “population control purposes” or because of “particular demographic, legal, or other characteristics” that made them more likely to be better managed in that unit.

The Warden, who assigned Wilson to the SPU for the latter reason, told us that he did not consult the Chief Psychologist prior to his decision to assign Wilson to the SPU, and we found that SPU procedures did not require him to do so.<sup>28</sup> He

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<sup>26</sup> Hereinafter, “former Warden” refers to the Warden at the time Wilson returned to MDC Brooklyn on March 9, 2011.

<sup>27</sup> While there is another small general population housing unit that MDC Brooklyn uses to house inmates who could be in danger while incarcerated, such as former law enforcement officers and some child molesters, we are unaware whether management considered that housing option for Wilson; however, because Wilson was convicted of murdering two police officers, it is understandable that MDC Brooklyn’s management may not have considered a unit that houses former police officers appropriate for him.

<sup>28</sup> While the 2011 and 2013 SPU memoranda required the Warden or executive staff to first consult with the Chief Psychologist prior to assigning an inmate to the SPU for population control reasons, they did not require advance notification when assigning a non-mental health inmate to the SPU for the other reasons. We learned that the 2015 SPU memorandum now requires that the referring department first consult with the Chief Psychologist or SPU Coordinator for all non-mental

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told us that he knew the Chief Psychologist always opposed housing inmates in the SPU who did not have a legitimate mental health condition, but he believed that the SPU was their best option for Wilson.

The Chief Psychologist told us that she did not agree with the decision to house Wilson in the SPU: She identified him as a manipulative inmate who might victimize the SPU inmates who did have mental health conditions. Specifically, she told us that she had concerns about inmates like Wilson in the SPU because “many of the inmates housed there have mental retardation issues that make them especially vulnerable to be victimized by higher functioning inmates and inmates with anti-social characteristics.” The former Warden told us that he recalled the Chief Psychologist expressing these concerns but said he never heard anything about Wilson’s behavior in the SPU that would have warranted his reassignment to another unit.

*Neither SPU Procedures nor Management Provided the Additional Guidance To Prevent or Detect Wilson’s Disruption of the Unit’s Safety and Security*

SPU Procedures Do Not Contain Guidance for Managing Inmates Who Do Not Have Mental Health Conditions

We found that MDC Brooklyn staff recognized the SPU as a smaller unit where inmates could be more closely monitored but that SPU procedures did not provide guidance for managing inmates without mental health conditions who were potentially disruptive to the unit. We reviewed the 2011 and 2013 SPU memoranda, which included two attachments that offered additional guidance and special instructions to Correctional Officers on how to manage SPU inmates with mental health conditions. For example, one attachment, entitled Special Programs Unit Inmate Management: Guidelines for Unit Officer, instructed staff not to take “what [inmates] say or do personally” and to “set limits on behavior, not on people.” While this additional guidance might have assisted staff in monitoring the inmates in the unit who did have mental health conditions, neither the SPU memoranda nor its attachments provided guidance for managing inmates like Wilson, who did not have a mental health condition and could potentially intimidate and manipulate the vulnerable inmates in the SPU.

We learned that, in the absence of specific guidance in the SPU memoranda, staff believed they could closely monitor inmates based largely on the unit’s smaller size. For example, when we asked MDC Brooklyn staff how they interpreted management’s belief that inmates would be “more closely monitored,” almost uniformly they told us that this meant having fewer inmates to watch rather than taking additional steps or following different procedures. For example, a Lieutenant told us that he felt “the smaller number of inmates made a big difference.” According to another Lieutenant, the fact that there is a psychology staff office immediately outside of the SPU is another way that the unit can provide closer

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health placements in the SPU. Chief Psychologist, MDC Brooklyn, memorandum to Warden, Operational Procedures for Unit K-81, Special Programs Unit, January 14, 2015.



monitoring. However, these examples did not reveal any guidance or instructions on how to manage inmates like Wilson whom the BOP did not classify as needing mental health services.

MDC Brooklyn Management Did Not Instruct SPU Staff To Manage Wilson Differently than the Other Inmates in the SPU

While management believed Wilson could be managed closely because of the smaller size of the SPU, they did not issue any instructions to SPU staff to help prevent or detect Wilson's alleged disruptive behavior. Without special instructions, staff told us that they managed all SPU inmates, including Wilson, in the same way. When we asked the former Warden whether there were additional instructions issued to staff about Wilson, he said that while he is generally not the person who would have given any special instructions or safeguards, he did not recall any discussion about issuing special instructions. Further, the Captain, as well as some of the staff we interviewed, expressed the view that generally Correctional Officers should monitor every inmate the same as every other inmate. The SPU Coordinator also told us that, even when a "high-profile" inmate is assigned to the SPU, that inmate should be managed the same as any other inmate.

Similarly, all of the Correctional Officers we interviewed told us that they did not receive any specific instructions from management to monitor Wilson differently. All but one of the Correctional Officers who responded to the question told us that they did not monitor Wilson differently than other SPU inmates. The exception is that one Correctional Officer told us that a Lieutenant said that Wilson was a "cop killer" and that he "should watch him around other inmates." He also said that he did pay more attention to Wilson because he was sensitive to the nature of Wilson's crime and that he was aware of Wilson being previously assigned to the SHU.

Although MDC Brooklyn management did not issue any special instructions to SPU staff on how to manage Wilson, we learned that management can issue special instructions for certain inmates housed in the SPU if they feel the circumstances warrant them. For example, we learned that the Captain had placed two inmates assigned to the SPU on a "two-hour watch" for their own safety because they had been threatened by other inmates. The 2-hour watch requires an inmate to check in with a Correctional Officer every 2 hours from the time he is out of his cell in the morning until he is locked in at night; that Correctional Officer then notifies the control center that the inmate has checked in and is safe. According to the Captain, these two inmates were placed on 2-hour watch because gang members had threatened to kill them and the institution was concerned about their safety. Although the 2-hour watch was not required for Wilson, the Captain told us that if in the future he had an inmate like Wilson who could not be housed in the SHU, he would place him in the SPU with a 2-hour watch so he would know what he was doing at all times.

We also found that Wilson's inclusion in the electronic Posted Picture File (PPF), which BOP requires security staff to review regularly, did not require staff to take any additional specific monitoring actions, and that no such additional

guidance was given even though the PPF is used to identify inmates who, among other things, pose a threat to inmates or staff. We learned that inmates are included in the PPF for various reasons which might or might not indicate that they should be managed in different ways.<sup>29</sup> For example, if an inmate was included because of a history of escape, a Correctional Officer should monitor that inmate as a potential escape risk. In addition, the Warden told us that staff should be reviewing the PPF for their own safety. For example, the Warden told us that at one point terrorists were the largest group of inmates in the PPF and that staff should know who the terrorists are so if they see them congregating they can keep a closer eye on them. MDC Brooklyn management could not tell us the specific reason that Wilson was included in the PPF because at the time of our review, MDC Brooklyn no longer retained his PPF.<sup>30</sup> However, we believe it is likely Wilson was in the PPF because of the nature of his crime, for murdering two police detectives. One Correctional Officer told us that there is no requirement to watch inmates in the PPF more closely and most of the Correctional Officers we interviewed told us that they did not manage Wilson differently because he was in the PPF.

We recognize the constraints that MDC Brooklyn faced in housing Wilson and understand the factors that led to management's decision to assign him to the SPU. Nevertheless, we found that management failed to issue any additional instructions to SPU staff that may have helped prevent or detect Wilson's alleged disruptive behavior. While we are unable to determine the extent to which a 2-hour watch or a similar enhanced surveillance procedure would have prevented Wilson's disruptive behavior, the fact that special instructions can be issued to Correctional Officers about managing certain SPU inmates demonstrates that additional controls for managing Wilson could have been put in place.

*Although the Extent of the Inmates' Allegations Could Not Be Substantiated, Wilson May Have Engaged in Disruptive Behavior without the Staff Being Aware of It*

The fact that Wilson engaged in a sexual relationship with Gonzalez was, in and of itself, a disruption to the safety and security of the SPU and a very serious concern. We could not determine the extent to which Wilson engaged in additional disruptive behavior — including manipulating other staff — because we were unable to corroborate inmate testimony.<sup>31</sup> However, we found that while most MDC

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<sup>29</sup> According to the BOP's PPF policy, the PPF is used "to identify inmates or detainees who, because of prior record, current offense, institution adjustment, or other factors, pose a significant threat to inmate or staff safety, the institution's security, or the surrounding community's welfare." See BOP Program Statement 5510.13, Posted Picture File (August 22, 2011).

<sup>30</sup> When an inmate is transferred to another BOP institution, the receiving institution may alter the PPF based on its assessment; therefore, the PPF may not remain the same.

<sup>31</sup> We also looked into the inmates' allegations that Wilson manipulated a Psychologist into making certain cell assignments that were advantageous to Wilson, including allowing him to keep his excess legal material in an empty cell, having empty cells on either side of his cell, and being assigned to a cell by himself. While we learned that this Psychologist (the SPU Coordinator) had some responsibility for making cell assignments in the SPU, we could not substantiate that Wilson manipulated her because our interviewees provided conflicting information about who allowed Wilson to use an empty cell for his legal materials. With regard to having empty cells on either side of his

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Brooklyn staff did not recall any serious behavioral issues with Wilson while he was in the SPU, they believed that he could have disrupted the unit without them being aware of his behavior.

#### Most Staff Said They Did Not Recall Serious Behavioral Issues with Wilson in the SPU

Of the Correctional Officers assigned to the SPU while Wilson was housed there, none of those we interviewed said they could recall any serious incidents involving Wilson that would have warranted writing an incident report or a need to communicate to management while he was in the SPU. Some staff said they recalled Wilson as well behaved and polite. For example, one staff member said that Wilson kept to himself and another described him as “just another person on the unit.” Correctional Officers also told us they did not recall seeing Wilson manipulate or bully other inmates, and a former SPU Unit Manager said that he did not recall any complaints from SPU inmates about Wilson, including complaints that Wilson was bullying them.

However, the Chief Psychologist did recall that an inmate told her about Wilson bullying a transgender inmate in the SPU. She said she counselled Wilson about homophobic behavior being inappropriate and divisive to the unit and said that he seemed receptive. Further, two staff members recalled complaints involving Wilson’s responsibilities as a food orderly. For example, the SPU Coordinator said that inmates complained that Wilson was giving them small servings of food but she dismissed these complaints because she had heard similar complaints about the previous orderly.

#### Documentation Did Not Further Corroborate Inmate Testimony Regarding Wilson’s Alleged Behavior

We examined Wilson’s Central File and the SPU’s unit log and did not find any incident reports or log notations that would confirm the inmates’ allegations of Wilson’s manipulative and intimidating behavior.<sup>32</sup> Inmates’ central files contain records of all incident reports an inmate has incurred while incarcerated by the BOP, and Wilson’s does not include any for the time that he was in the SPU for his death penalty resentencing. Similarly, we reviewed the unit log for this time and did not find any notations about Wilson’s behavior that verified the inmates’ allegations and concerns. The unit log is a record of all “pertinent information regarding inmate activity, detailing time, individuals involved, and the event” that occurred during a given shift. SPU post orders require Correctional Officers to complete log entries for every shift. The Captain advised us that while staff had

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cell, the Psychologist told us that this was because these empty cells leaked when it rained so they could not be used to house inmates. In addition, the Psychologist also said that she would give stable inmates cellmates last to ensure that unstable inmates had cellmates in order to help prevent suicide.

<sup>32</sup> The BOP maintains complete information on all inmates confined in BOP institutions in an Inmate Central File. See BOP Program Statement 5800.17, Inmate Central File, Privacy Folder, and Parole Mini-Files (April 3, 2015).

discretion about what to record regarding inmate behavior, bullying should be recorded in the unit log. The only two notations we found about Wilson — one involving control of the television and the other a conflict with other inmates — are both unclear and suggest that the Correctional Officers who made the notations did not perceive Wilson as the instigator of these incidents.

Wilson May Have Disrupted the Unit without Incurring Incident Reports or the Staff Being Aware of His Behavior

We asked the staff if it was possible that Wilson could have engaged in the alleged bullying and manipulative behavior without them being aware of it. They told us that they viewed Wilson as savvy enough to engage in negative behavior in ways that staff either did not notice or did not deem necessary to take action. For example, one Lieutenant told us that she believed Wilson knew better than to “get stupid in front of a Lieutenant.” Another Lieutenant told us that he believed Wilson was careful not to act aggressively when staff could observe him because he knew he would be sent to the SHU. In addition, a Correctional Officer told us that she heard that Wilson was bullying other inmates by controlling the television and handing out food seconds only to select inmates; but, because she did not actually observe this alleged behavior, she could not do anything about it. A Psychologist also told us that while he believed Wilson was “up to something,” and that he was always watching Wilson for an excuse to remove him from the unit, he said that he did not observe anything that would warrant writing an incident report.

Further, MDC Brooklyn staff told us that inmates are sometimes reluctant to complain to them about other inmates. The Chief Psychologist told us that inmates are often afraid to complain about another inmate until that inmate leaves the unit. The SPU Coordinator told us that she receives complaints from inmates about other inmates bothering them but that when she tries to obtain more information so she can address it, the reporting inmate will say “I am no snitch” and refuse to provide additional information. The Captain speculated that inmates in housing units other than the SPU would have spoken up about another inmate monopolizing the unit television, while SPU inmates might not say anything to staff. Similarly, another Lieutenant said he thought inmates in the SPU were “not going to come out and make allegations” against Wilson even if he was doing things like monopolizing the television.

Two security officials told us that in retrospect they believe Wilson may have had some degree of control in the SPU that they were unaware of at the time. For example, the Captain told us that he believed that Wilson “ran the heck out of that place.” A Lieutenant told us that he understands why SPU inmates said Wilson controlled the unit television and microwave and said he believed that, as a gang member in a unit with inmates who were easily preyed upon, Wilson could have been “running the unit.”

## **During Our Review, Management Took Steps To Improve Communication Related to the Safety and Security of MDC Brooklyn; However, Areas of Concern Remain**

During our review, we identified several areas of concern related to communication that we believe MDC Brooklyn should address. Although we did not find that all of these deficiencies directly led or contributed to the misconduct that led to our review, the issues we identified relate to the safety and security of the institution. First, we found that staff were not aware of and may not have received specific directives that applied to the SPU. Second, we found that certain directives in place at the time of our review did not ensure that Correctional Officers routinely conducted searches of all unit cells. Third, policy was unclear regarding how sealed inmate complaints placed in housing units' mailboxes along with outgoing mail should be handled. Finally, we found that MDC Brooklyn could improve its procedures and methods to ensure relevant security information is consistently shared across shifts and housing units. During the course of our review, MDC Brooklyn management began to address some of the concerns we identified.

### *Not All Staff Were Aware of and Had Read the SPU Memoranda*

We found that MDC Brooklyn management did not ensure that all staff assigned to the SPU were aware of the SPU memorandum, which provides guidance on managing inmates in the unit. As discussed previously, we learned that the SPU memorandum was issued in 2011 and updated in 2013 and 2015. However, most staff we interviewed who had worked in the SPU said they were unfamiliar with any version of the memorandum. We note that until the 2015 revision, the SPU memorandum was not required to be included in the unit's post orders that Correctional Officers are required to sign to indicate that they have read the orders prior to their first shift in the unit.<sup>33</sup> The Warden informed us that the SPU memorandum was revised in January 2015 to remove redundant information. We also found that there were other significant changes to the 2015 SPU memorandum, including a new requirement that the referring department, i.e., medical or security, consult with the Chief Psychologist or the SPU Coordinator *prior* to placing inmates without mental health conditions in the unit.<sup>34</sup> We reviewed the post orders during an observation of the SPU in January 2015 and found that the 2015 SPU memorandum was now included. We later learned that management notified staff about the 2015 SPU memorandum by emailing it to them about 5 weeks after it was issued; but, because the notification occurred after we completed our fieldwork, we could not verify that all staff members were aware of it.

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<sup>33</sup> Post orders are general instructions designed to aid the Correctional Officer in the daily operation of each custodial post.

<sup>34</sup> We also learned that, under current practice, if there is a disagreement between the referring department and the Chief Psychologist and/or SPU Coordinator on an inmate's placement in the SPU, there is a team meeting. After careful review, the Chief Psychologist makes the final decision. However, the Warden retains discretion to place an inmate in the SPU.

*Post Orders in Place at the Time of Our Review Did Not Ensure that Correctional Officers Routinely Conducted Searches of All Cells in Housing Units*

Despite the importance of housing unit cell searches to the safety and security of the institution, post orders in place at the time of our fieldwork did not provide Correctional Officers with clear policy to ensure that all cells in the unit were searched regularly.<sup>35</sup> When we asked the BOP Central Office what was required of Correctional Officers regarding searches during their shifts, the Administrator of the Correctional Services Branch, Correctional Programs Division told us that "typically, the requirement is that the Correctional Officer search five areas at a minimum in the housing unit, but the number of search areas is dictated by the Captain."<sup>36</sup> However, the Captain at MDC Brooklyn told us that the number of searches a Correctional Officer has to conduct per shift is "open" and that, while Correctional Officers were previously required to search five cells, the current requirement does not mandate a specific number of searches.

When we asked MDC Brooklyn Correctional Officers about the number of cell searches they are required to conduct during their shifts, none of the Correctional Officers we interviewed were aware that there was not a specific number required, nor were they aware of where information on the search policy was located. Several Correctional Officers told us that they are supposed to do five cell searches during a shift. When we asked where that is documented, one Correctional Officer told us that he remembered reading it somewhere (perhaps in the post orders) but he could not recall for sure. Another Correctional Officer suggested that it might be in the post orders or it might have come from a training class he took years ago. Further, the Deputy Captain and most of the Correctional Officers we interviewed were still under the impression that Correctional Officers were required to conduct a minimum of five searches each shift. Although the staff generally assumed that the requirement was to conduct five searches each shift, there was no systematic way to ensure that the same five cells were not searched repeatedly, thereby potentially leaving some cells without having been searched over a significant time period.

After our fieldwork was completed, we learned that on February 23, 2015, MDC Brooklyn management revised the post orders to clarify the cell search requirements. The new post orders do not require a specific number of searches per shift, but they specify that all cells in the unit will be searched within a 30-day period. In addition, it appears that the BOP's institution management system, called TRUSCOPE, will help Correctional Officers ensure that all cells within each unit are searched in a timely fashion.<sup>37</sup> Specifically, we observed during our fieldwork that TRUSCOPE has the capability to allow Correctional Officers to sort a

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<sup>35</sup> MDC Brooklyn staff are required to read and sign the post orders prior to assuming the post for the first time each quarter.

<sup>36</sup> The BOP's Central Office is in Washington, D.C.

<sup>37</sup> TRUSCOPE is a software application within the BOP's TRUNET program. TRUSCOPE provides institution staff with detailed inmate and institution security-related information and provides unit officers an electronic event log. According to the BOP's Central Office, the Northeast Region, which includes MDC Brooklyn, activated TRUSCOPE on July 28, 2014.

unit's search log by the last date that cells were searched. We believe that if TRUSCOPE is fully implemented as intended it will allow MDC Brooklyn to ensure that all cells are searched within a 30-day period, as required in the revised post order.

### *Policy Is Unclear Regarding How To Handle Sealed Inmate Complaints*

During our review, we examined the policy and procedures for handling sealed inmate complaints addressed to staff that are placed in unit mailboxes. This was relevant to our review because an inmate testified that he and another inmate had placed an anonymous, sealed complaint in the SPU's mailbox to report the relationship between Gonzalez and Wilson, as well as Wilson's inappropriate behavior toward inmates, and that Wilson had received the intercepted complaint. The alleged complaint was addressed to the Captain; but, according to the inmate's testimony, Wilson somehow gained possession of the handwritten complaint and attempted to determine who submitted it by comparing SPU inmates' handwriting with the complaint. The OIG Investigations Division investigated but could not substantiate the possibility that a Correctional Officer gave the inmates' complaint to Gonzalez, who subsequently gave it to Wilson.

We learned that staff members inconsistently understand how sealed inmate complaints addressed to staff and placed in housing units' mailboxes should be handled, and that there is no policy establishing the institution's procedures for handling those complaints. Correctional Officers and Lieutenants we interviewed were unclear about how to handle sealed inmate complaints in the unit's mailbox. One Correctional Officer stated that he would not open sealed internal mail if it was addressed to the Captain, while another stated that all mail in the unit mailbox should be opened by the morning shift Correctional Officer.<sup>38</sup> Another Correctional Officer believed that only legal mail and internal mail to the BOP's Special Investigative Services could be left sealed and unopened. Lieutenants were also uncertain as to whether sealed internal mail in the unit mailbox should be opened. One Lieutenant stated that he would not open sealed internal mail but would give it to the Captain, while another Lieutenant believed that all mail placed in the mailbox should be unsealed.

Further, we found that neither the BOP nor MDC Brooklyn policy regarding the handling of inmate mail specifically deals with inmate complaints addressed to staff and placed in a unit's mailbox. The BOP's relevant Program Statement acknowledges that inmates are permitted to make written requests to staff members, but it does not provide any guidance on how those requests should be handled.<sup>39</sup>

While MDC Brooklyn management now allows inmates to report complaints electronically through TRULINCS, including directly to the Warden, we remain

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<sup>38</sup> Some staff referred to internal mail or mail that is sent to staff or MDC Brooklyn departments as "cop outs."

<sup>39</sup> See BOP Program Statement 5511.07, Request to Staff, Inmate (August 14, 1998).

concerned that MDC Brooklyn has not implemented guidance to ensure the confidentiality of sealed inmate complaints placed in the unit mailbox are consistent with institutional security requirements and specifically instructs staff on how to handle complaints they receive through housing units' mailboxes, especially in light of the inmates' allegations that their complaint was intercepted in this case.<sup>40</sup>

*Certain Methods for Ensuring that Relevant Information Is Shared Across the Institution Could Be Improved*

While MDC Brooklyn shares relevant information across the institution in a variety of ways, we found that two communication methods could be improved. One concern involves information from the Warden's Monday morning briefings getting to staff who cannot attend the briefings, and the other involves the inconsistency with which Lieutenants conduct regular conference calls with Correctional Officers.

The Warden told us that she instituted Monday morning briefings upon her arrival at MDC Brooklyn to make herself available to staff and to provide staff with relevant information each week. For the first few months, the institution posted the Monday morning briefing minutes both on Sallyport and as an icon on staff desktop computers so that staff who could not attend the briefings would have access to the information that was presented.<sup>41</sup> After a few months, however, MDC Brooklyn management stopped updating the desktop icon and began posting the minutes in TRUSCOPE instead. While several staff we interviewed recalled viewing the minutes on their desktop initially, they said that they assumed the Warden had stopped having the Monday morning briefings because they no longer saw the minutes. Additionally, other staff said they were unaware that meeting minutes are now available in TRUSCOPE.<sup>42</sup>

Further, staff told us that Lieutenants hold conference calls with Correctional Officers at each post to pass along information and that the frequency of the calls depended on the Lieutenant. While a Lieutenant told us that the conference calls are usually done each shift, Correctional Officers told us that some Lieutenants hold conference calls daily, some weekly, and some every 3 weeks. In addition, another Lieutenant told us that he "stopped doing conference calls [during] the day shift because someone on the call keeps hanging up causing the phone to make beeping sounds." Moreover, most Lieutenants we interviewed told us that they prefer to communicate information, especially sensitive information, to Correctional Officers

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<sup>40</sup> According to a BOP Program Statement, the Trust Fund Limited Inmate Computer System (TRULINCS) provides inmates with a computer system that does not jeopardize the safety, security, orderly operation of the correctional facility, or the protection of the public or staff. BOP Program Statement 4500.11, Trust Fund/Deposit Fund Manual (April 9, 2015). Wardens have discretion as to whether they allow inmates to email them directly.

<sup>41</sup> Sallyport is the BOP's internal, centrally operated electronic depository of reference information published independently by multiple BOP sites and disciplines.

<sup>42</sup> In July 2014, the Monday morning briefing minutes started being entered into TRUSCOPE and were no longer placed on staff desktop computers.



in person while visiting each unit, though we were not told and did not assess how often this occurs in practice.

Timely, consistent communication between management and staff is vital to the safe, secure operation of any correctional facility. We are thus concerned that relevant security information, including what is discussed at the Warden's Monday morning briefings, may not be consistently or timely shared with MDC Brooklyn staff because staff do not know where to find the briefing minutes and because Lieutenants are not consistently conducting conference calls or taking similar steps to provide them necessary information.

## CONCLUSION AND RECOMMENDATIONS

### Conclusion

Overall, we believe the events the U.S. District Court for the Eastern District of New York noted in Ronell Wilson's resentencing opinion are due in large measure to the criminal actions of former Correctional Officer Nancy Gonzalez and the alleged misconduct of another Correctional Officer. We found that MDC Brooklyn management placed Wilson in the Special Programs Unit (SPU) because they recognized the need to closely monitor him and believed that his vacated death sentence and a court order requiring MDC Brooklyn to house him in general population during a previous incarceration prevented housing him in the Special Housing Unit on a continual basis. While SPU procedures allow inmates like Wilson to be housed in this unit, which primarily houses inmates with mental health conditions, we found that neither policies nor management provided any safeguards or guidance on how to manage Wilson differently while he was there. As a result, SPU staff generally did not manage Wilson differently than other inmates. Further, while it is clear that Wilson's relationship with Gonzalez disrupted the safety and security of the institution, we could not determine to what extent the alleged bullying and manipulation actually occurred because staff statements and the unit's documentation that we reviewed do not further corroborate them.

During the course of our review, we also identified some areas in MDC Brooklyn's ability to communicate information across shifts and housing units that could be improved. Though we did not find that all of these deficiencies directly contributed to the misconduct that led to our review, MDC Brooklyn has begun to address them. We found that MDC Brooklyn issued a revised SPU procedures memorandum in January 2015, making it part of the post orders directing the staff in the SPU; however, some staff did not recall ever seeing this version or any previous versions. We also found that certain post orders in place at the time of our review did not ensure that Correctional Officers routinely searched all housing unit cells. Further, we found that policy is unclear regarding the handling of sealed inmate complaints placed in housing units' mailboxes. Although there is now an electronic method that allows inmates to send complaints directly to specific departments in MDC Brooklyn, as well as to the Warden, there has been no clarification as to how staff should handle inmate complaints that have been placed in the unit mailbox to ensure their confidentiality in a way that is consistent with institutional security requirements.

Finally, we found that MDC Brooklyn could improve its methods for ensuring relevant security information is consistently shared across shifts and housing units. For example, the Warden at MDC Brooklyn instituted Monday morning briefings with staff; but staff were not aware, after the first few months, that the meetings were still being held or that the minutes summarizing the information from those briefings were still available. Lieutenants can also use a conference call to pass relevant information along to staff at the beginning of each shift; however, we learned these conference calls or other efforts to convey security information do not occur consistently.

## Recommendations

We recommend that the Bureau of Prisons work with MDC Brooklyn to:

1. Include information in the Special Programs Unit memorandum on how to manage those inmates assigned to the SPU who are potentially disruptive and do not have a mental health condition.
2. Consider implementing additional safeguards whenever a potentially disruptive inmate without a mental health condition is placed in the SPU.
3. Establish guidance and procedures that staff at MDC Brooklyn should follow that ensure the confidentiality of sealed inmate complaints placed in unit mailboxes are consistent with institutional security requirements, and ensure staff are notified of the new guidance.
4. Ensure that clear procedures are in place and communicated to staff at MDC Brooklyn to ensure searches of all housing unit cells are regularly conducted.
5. Consider additional steps to ensure that relevant security information is communicated to MDC Brooklyn staff consistently and effectively.

### SCOPE AND METHODOLOGY OF THE OIG REVIEW

In this review, the OIG examined the policies, practices, and procedures in place at the Metropolitan Detention Center in Brooklyn, New York (MDC Brooklyn) between March 2011 and August 2012, the time cited in U.S. District Judge Nicholas Garaufis's September 10, 2013 opinion regarding the resentencing of Ronell Wilson. Our review focused on what could have contributed to allowing Wilson to disrupt the safety and security of inmates and staff in the Special Programs Unit (SPU) where Wilson was housed during this time, and whether any such issues reflected more general problems that need to be addressed at the facility. Our fieldwork, conducted from April 2014 through March 2015, included interviewing current and former MDC Brooklyn officials regarding policies, practices, and procedures at the institution and for the SPU; conducting site visits to MDC Brooklyn; and reviewing documents. The following sections provide additional information about our methodology.

#### Interviews

We interviewed current and former Bureau of Prisons (BOP) officials regarding their roles in management, policy, training, and oversight of inmates housed in federal custody. We also interviewed BOP Central Office managers of the Correctional Programs and Correctional Services Branches to understand the policies regarding inmate use of amenities such as the television, telephone, computer, exercise room, commissary, library, and law library. We spoke to subject matter experts from the Policy Development and Planning Section; the Industries, Education & Vocational Training Division; the Health Services Division; and the Trust Fund Branch.

We also interviewed one of the OIG Special Agents who investigated the relationship between then Correctional Officer Nancy Gonzalez and Wilson. We attempted to interview Gonzalez in April 2014, but she declined our request on the advice of counsel.

#### Site Visits

We visited MDC Brooklyn on two occasions: once in May 2014 and a follow-up visit in February 2015. During our visits, we interviewed a total of 27 staff members, including the Warden, the Captain, four Lieutenants, the institution's Health Services Administrator, as well as Correctional Officers, unit management staff, and psychology department staff who worked in the SPU at the time the incidents discussed in the resentencing statement occurred and currently. Our interviews pertained to the procedures, practices, oversight, training, and communication of policies, procedures, and security information throughout the institution. We also interviewed three inmates who were assigned to SPU during the time Wilson was housed in that unit. In addition, we conducted an onsite inspection of the SPU during both site visits.

### Document Review

We reviewed BOP and MDC Brooklyn policy and guidance pertaining to the management of the SPU and other housing units. We also examined the unit logs for the SPU housing unit from March 2011 through August 2012, the time Wilson was assigned to the unit, and received a brief tutorial of the new electronic unit logs, referred to as TRUSCOPE, that MDC Brooklyn implemented in July 2014. To understand the scope of sexual abuse allegations made against BOP staff members, we also reviewed the BOP's Office of Internal Affairs data regarding allegations of sexual abuse of inmates.

THE BOP'S RESPONSE TO THE DRAFT REPORT



U.S. Department of Justice

Federal Bureau of Prisons

Office of the Director

Washington, DC 20534

August 21, 2015

MEMORANDUM FOR NINA PELLETIER  
ASSISTANT INSPECTOR GENERAL  
FOR EVALUATION AND INSPECTIONS

A handwritten signature in black ink, appearing to read "Charles E. Samuels, Jr.", written in a cursive style.

FROM: Charles E. Samuels, Jr., Director  
Federal Bureau of Prisons

SUBJECT: Response to the Office of Inspector General's (OIG) Formal Draft Audit Report: Review of the Management of the Special Programs Unit at the Federal Bureau of Prisons Metropolitan Detention Center in Brooklyn, New York, Assignment Number A-2014-006

The Bureau of Prisons (Bureau) appreciates the opportunity to respond to the open recommendations from the formal draft report entitled, Review of the Management of the Special Programs Unit at the Federal Bureau of Prisons Metropolitan Detention Center (MDC) in Brooklyn, New York.

As detailed below, the Bureau agrees with the recommendations of the Office of Inspector General (OIG), and appreciates the efforts of the investigators to provide recommendations based on evidence obtained through their observations, review of policies and procedures, and interviews with BOP staff, regarding Special Programs Unit (SPU) operations.

The Bureau remains concerned, however, that as a public document, the OIG report does not provide a more detailed review and analysis of the impact on MDC Brooklyn operations caused by the orders of the Court in Ronell Wilson's criminal case. During both of inmate

Wilson's periods of confinement at MDC Brooklyn, the Court restricted MDC Brooklyn's exercise of its correctional judgment by prohibiting inmate Wilson's placement in the Special Housing Unit (SHU) other than for disciplinary reasons. See, Order, February 9, 2006; and Transcript of Criminal Cause for Conference, October 5, 2012. The Bureau believes it is important for the report to reflect that, but for the restrictions placed on MDC Brooklyn's correctional judgment on where and how best to house inmate Wilson, the unlawful sexual relationship that resulted might never have occurred.

Please find the Bureau's response to the recommendations below:

**Recommendation #1:** Include information in the Special Programs Unit memorandum on how to manage those inmates assigned to the SPU who are potentially disruptive and do not have a mental health condition.

**Initial Response:** The Bureau agrees with this recommendation. The staff at MDC Brooklyn are exploring modifications consistent with national policy, and the projected implementation is October 1, 2015.

**Recommendation #2:** Consider implementing additional safeguards whenever a potentially disruptive inmate without a mental health condition is placed in the SPU.

**Initial Response:** The Bureau agrees with this recommendation. The staff at MDC Brooklyn are exploring modifications consistent with national policy, and the projected implementation is October 1, 2015.

**Recommendation #3:** Establish guidance and procedures that staff at MDC Brooklyn should follow that ensure the confidentiality of sealed inmate complaints placed in unit mailboxes are consistent with institutional security requirements, and ensure staff are notified of the new guidance.

**Initial Response:** The Bureau agrees with this recommendation. The staff at MDC Brooklyn will explore options for local guidance and procedures in light of applicable national policies for the handling of sealed inmate complaints and given the unique nature of its various housing units. The projected date for implementing these changes is October 1, 2015.

**Recommendation #4:** Ensure that clear procedures are in place and communicated to staff at MDC Brooklyn to ensure searches of all housing unit cells are regularly conducted.

**Initial Response:** The Bureau agrees with this recommendation. The staff at MDC Brooklyn will explore options for local guidance and procedures in light of applicable national policies for cell searches. The projected date for implementing these changes is October 1, 2015.

**Recommendation #5:** Consider additional steps to ensure that relevant security information is communicated to MDC Brooklyn staff consistently and effectively.

**Initial Response:** The Bureau agrees with this recommendation. The staff at MDC Brooklyn will explore options for local guidance and procedures in light of applicable national policies, and the unique challenge of sharing relevant security information with staff throughout the facility. The projected date for implementing these changes is October 1, 2015.

If you have any questions regarding this response, please contact Sara M. Revell, Assistant Director, Program Review Division, at (202) 353-2302.



### OIG ANALYSIS OF THE BOP'S RESPONSE

The Office of the Inspector General (OIG) provided a draft of this report to the Federal Bureau of Prisons (BOP) for its comment. The BOP's response is in Appendix 2 to this report. We discuss the OIG analysis of BOP's response and actions necessary to close the recommendations below.

#### The BOP's General Comments

**BOP Comment:** The BOP stated that it remains concerned that the OIG's report does not provide a more detailed review and analysis of the impact on MDC Brooklyn operations caused by the U.S. District Court for the Eastern District of New York in Ronell Wilson's criminal case. The BOP stated that during both of Wilson's periods of confinement at MDC Brooklyn, the court restricted MDC Brooklyn's exercise of its correctional judgment by prohibiting inmate Wilson's placement in the Special Housing unit (SHU) other than for disciplinary reasons, on February 9, 2006 and October 5, 2012. The Bureau believes it is important for the report to reflect that, but for the restrictions placed on MDC Brooklyn's correctional judgment on where and how best to house inmate Wilson, the unlawful sexual relationship that resulted might never have occurred.

**OIG Analysis:** The OIG report discusses that MDC Brooklyn management recognized the need to closely monitor Ronell Wilson and that they would have preferred to assign him to the SHU. It also states that the OIG learned that management believed they could not consider SHU placement because the court had vacated Wilson's death sentence and because of the previous court order on February 9, 2006, that required MDC Brooklyn to remove him from the SHU. However, the BOP incorrectly identifies the October 5, 2012, court order as relevant to the events we reviewed because these events took place between March 30, 2011 and August 3, 2012. Therefore, the October 5, 2012, court order was not a factor in our review or the unlawful sexual relationship between Ronell Wilson and Nancy Gonzalez.

#### The BOP's Response to Recommendations

**Recommendation 1:** Include information in the Special Programs Unit memorandum on how to manage those inmates assigned to the SPU who are potentially disruptive and do not have a mental health condition.

**Status:** Resolved.

**BOP Response:** The BOP concurred with the recommendation and stated that staff at MDC Brooklyn are exploring modifications consistent with national policy. The BOP stated that the projected implementation date is October 1, 2015.

**OIG Analysis:** The BOP's actions are responsive to the recommendation. By January 4, 2016, please provide a copy of the revised SPU memorandum that

## APPENDIX 3

includes information on how to manage those inmates who are potentially disruptive and do not have a mental health condition. In addition, please provide documentation, including dates, that shows MDC Brooklyn management notified staff of the revised memorandum.

**Recommendation 2:** Consider implementing additional safeguards whenever a potentially disruptive inmate without a mental health condition is placed in the SPU.

**Status:** Resolved.

**BOP Response:** The BOP concurred with the recommendation and stated that the staff at MDC Brooklyn is exploring modifications consistent with national policy. The BOP stated that the projected implementation date is October 1, 2015.

**OIG Analysis:** The BOP's actions are responsive to the recommendation. By January 4, 2016, please provide a summary of the additional safeguards the BOP considered and/or implemented when potentially disruptive inmates without a mental health condition are placed in the SPU. In addition, please provide documentation that shows that MDC Brooklyn staff were notified of any changes.

**Recommendation 3:** Establish guidance and procedures that staff at MDC Brooklyn should follow that ensure the confidentiality of sealed inmate complaints placed in unit mailboxes are consistent with institutional security requirements, and ensure staff are notified of the new guidance.

**Status:** Resolved.

**BOP Response:** The BOP concurred with the recommendation and stated that the staff at MDC Brooklyn will explore options for local guidance and procedures in light of applicable national policies for the handling of sealed inmate complaints and given the unique nature of its various housing units. BOP stated that the projected implementation date for these changes is October 1, 2015.

**OIG Analysis:** The BOP's actions are responsive to the recommendation. By January 4, 2016, please provide documentation that includes the guidance and procedures that MDC Brooklyn implemented to ensure the confidentiality of sealed inmate complaints. In addition, please provide documentation that shows that MDC Brooklyn staff were notified of the new guidance and procedures.

**Recommendation 4:** Ensure that clear procedures are in place and communicated to staff at MDC Brooklyn to ensure searches of all housing unit cells are regularly conducted.

**Status:** Resolved.

**BOP Response:** The BOP concurred with the recommendation and stated that staff at MDC Brooklyn will explore options for local guidance and procedures in

## APPENDIX 3

light of applicable national policies for cell searches. The BOP stated that the projected implementation date for these changes is October 1, 2015.

**OIG Analysis:** The BOP's actions are responsive to the recommendation. By January 4, 2016, please provide documentation that includes the guidance and procedures that MDC Brooklyn implemented to ensure that clear procedures are in place and communicated to staff to ensure searches of all housing unit cells are regularly conducted. In addition, please provide documentation that shows that MDC Brooklyn staff was notified of the new guidance and procedures.

**Recommendation 5:** Consider additional steps to ensure that relevant security information is communicated to MDC Brooklyn staff consistently and effectively.

**Status:** Resolved.

**BOP Response:** The BOP concurred with the recommendation and stated that staff at MDC Brooklyn will explore options for local guidance and procedures in light of applicable national policies, and the unique challenge of sharing relevant security information with staff throughout the facility. The BOP stated that the projected implementation date for these changes is October 1, 2015.

**OIG Analysis:** The BOP's actions are responsive to the recommendation. By January 4, 2016, please provide documentation that includes the additional steps that MDC Brooklyn considered and/or implemented to ensure that relevant security information is communicated to MDC Brooklyn staff consistently and effectively.

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