

1 A F T E R N O O N S E S S I O N
2 ORGANIZING AN INVESTIGATIVE COMPONENT AND
3 IMPLEMENTING PROCEDURES

4 THE CHAIRMAN: As with the last panel, I
5 will have each of you identify yourselves. I will
6 then administer the oath and then have you give
7 your statements and then we'll have some questions,
8 I'm sure, for you.

9 So would you please identify who you are?
10 Again we, as with the other panels, thank you
11 immensely for taking the time out of your, I'm
12 sure, busy schedules to be here with us.

13 MS. SCHNEDAR: My name is Cynthia
14 Schnedar. I'm counsel to the Inspector General for
15 the Department of Justice for the United States.

16 THE CHAIRMAN: Welcome.

17 MR. ALDRICH: I am Aaron Aldrich. I'm
18 the chief inspector for the Rhode Island Department
19 of Corrections.

20 THE CHAIRMAN: Thank you.

21 MR. WITTMANN: Timothy Wittmann. I'm a
22 trooper with the Pennsylvania State Police assigned

1 as a criminal investigator.

2 THE CHAIRMAN: Welcome.

3 MR. SAUCIER: I am Al Saucier, lieutenant
4 with the Office of Investigative Services for the
5 Department of Corrections in Massachusetts.

6 THE CHAIRMAN: Thank you. Would you
7 please stand and I will administer the oath.

8 (Panel sworn.)

9 THE CHAIRMAN: Thank you. Ms. Schnedar.

10 MS. SCHNEDAR: Thank you for this
11 opportunity to appear before the National Prison
12 Rape Elimination Commission to discuss the work of
13 the United States Department of Justice Office of
14 the Inspector General regarding staff sexual abuse
15 on inmates.

16 When Inspector Glen Fine testified before this
17 Commission on June 14th, 2005, he reported to you
18 the results of a review issued earlier that year
19 that examined sexual abuse of federal inmates by
20 correctional staff. In particular, the report
21 highlighted several shortcomings of what was then
22 federal law in deterring staff sexual abuse.

1 The federal crime of sexual abuse of an
2 inmate, without the use of force or overt threats,
3 was only a misdemeanor punishable by a maximal
4 sentence of one year. And the federal crime of
5 sexual contact of an inmate without the use of
6 force of threats was also only a misdemeanor
7 punishable by a maximum of six months.

8 Further, the federal laws covering sexual
9 abuse of inmates did not applied when the federal
10 inmates were held in facilities under contract to
11 the federal government, rather than a BOP operated
12 facility. Similarly, the laws criminalizing the
13 introduction of contraband into the prisons did not
14 apply when the federal inmates were held in
15 contract facilities.

16 Based on its work in this area, the OIG
17 believed that misdemeanor penalties were too
18 lenient for sexual abuse or sexual contact of an
19 inmate without the use of force or overt threats.
20 Because prison employees control many aspects of
21 inmates' lives, in most cases prison employees can
22 obtain sex from inmates without resorting to the

1 use of threats or force.

2 This type of sexual abuse can present serious
3 dangers to staff, correctional facilities, inmates
4 and society. Staff sexual abuse can also undermine
5 the security of institutions by corrupting staff
6 members and increasing rivalry among inmates.
7 Moreover, the abuse can significantly harm inmates
8 by inflicting psychological and emotional trauma.

9 Despite the harm caused by these crimes, the
10 OIG also found that many federal prosecutors were
11 not pursuing these cases regardless of the strength
12 of the evidence because the crimes were not
13 felonies. The second deficiency that we identified
14 was that the laws did not comply when federal
15 inmates were held in facilities that were
16 contracted to the federal government rather than
17 operated by BOP.

18 We found that state prosecutors inconsistently
19 prosecuted these cases because many states were
20 focusing their limited resources on sexual abuse
21 against state rather than federal inmates. As a
22 result, abuse of federal inmates held at contractor

1 facilities was often going unpunished because of
2 limitations in the law's coverage.

3 In addition, we noted that the federal law
4 criminalizing the introduction of contraband into
5 federal correctional facilities by either
6 corrections staff or inmates did not apply to
7 non-DOP facilities where inmates were housed under
8 contract. We found a strong correlation between
9 contraband smuggling and sexual abuse cases because
10 nearly half of the subjects in our sexual abuse
11 cases also were smuggling contraband into a prison
12 for the inmate with whom they were having a
13 relationship. However, contraband smuggling
14 offenses in contract facilities were left to the
15 discretion of state prosecutors to enforce and
16 often were going unpunished. I am pleased to
17 report that this year Congress enacted legislation
18 to correct those shortcomings. The violence
19 against women in Department of Justice
20 Reauthorization Act of 2005 signed into law on
21 January 5th, 2006, provides that in cases where
22 correctional officers sexually abuse a federal

1 inmate without the use of force or threat of force
2 the maximum penalty is increased from a misdemeanor
3 with a one-year maximum sentence to a felony with a
4 five-year maximum sentence. The maximum penalty in
5 cases where correctional officers have sexual
6 contact with a federal inmate without the use of
7 force or threat is also increased from a
8 misdemeanor to a felony with the maximum sentence
9 of two years.

10 The act also extends federal criminal
11 jurisdiction for sexual abuse of federal inmates
12 housed in state, local or contract correctional
13 facilities. The act also makes clear that federal
14 jurisdiction extends to the introduction of
15 contraband by corrections staff or inmates into
16 state, local or contract facilities housing federal
17 inmates.

18 In addition, we have the changes in the Adam
19 Walsh Act that John Dignam discussed earlier today.
20 Because the statutory changes were recently
21 enacted, we are not yet able to numerically measure
22 what difference the increased penalties and

1 enhanced jurisdiction will have on the number of
2 cases that federal prosecutors accept for
3 prosecution. However, we are strongly encouraging
4 federal prosecutors to aggressively use these new
5 tools. And we believe that the legislative changes
6 will make a positive difference in addressing the
7 serious problems of staff sexual abuse of federal
8 inmates.

9 I want to describe for the Commission the
10 efforts that we, at the OIG, are making to pursue
11 these important cases. As part of our recent
12 training efforts, the OIG, in collaboration with
13 the National Institute of Corrections and the
14 American University of Washington College of Law,
15 recently conducted a three-day training session in
16 Washington, D.C. which was attended by 40 OIG
17 agents and BOP investigators from across the
18 country. We had the benefit of working with
19 Commissioner Brenda V. Smith as we pull this
20 training together, which was tailored to the
21 investigative needs of our agents.

22 At the seminar, senior OIG agents and federal

1 prosecutors provided training to our newer agents
2 on the intricacies of investigating sexual abuse
3 cases involving prison inmates and staff. The
4 first and most difficult obstacle to overcome,
5 typically, is gaining the cooperation of the
6 victim.

7 The correctional officers often wisely choose
8 the most, wisely from their part, the most
9 vulnerable victims as their victims such as inmates
10 with drug addictions, previous physical or sexual
11 abuse, mental health issues or a little experience
12 with the criminal justice system.

13 Consequently, these victims are often scared
14 and reluctant to cooperate with investigators.
15 These victims also fear that if they cooperate,
16 they will be isolated in a special housing unit or
17 transferred to an institution that is further away
18 from their families. As a result, OIG agents have
19 to work very hard to build a rapport with these
20 victims and gain their trust and cooperation.

21 The OIG agents also attempt to obtain any and
22 all available corroborating evidence such as cards

1 and letters between the subject and the victim,
2 statements from other inmate witnesses or
3 admissions that the suspect made to the victim.

4 In addition, DNA is a powerful corroborating
5 tool, but we recover it in only a small percentage
6 of cases because victims typically delay in
7 disclosing staff sexual abuse. I know from
8 experience in my former job in prosecuting sexual
9 abuse cases in the United States Attorney's Office
10 for the District of Columbia that the examination
11 of the victim must be conducted within 72 hours of
12 a sexual assault in order to collect any DNA
13 evidence from the victim's body. In the rare
14 instances where a victim discloses the assault
15 within that time period, the victim is taken to the
16 Bureau of Prisons' medical clinic where medical
17 personnel can conduct appropriate examination to
18 both collect forensic evidence and provide medical
19 treatment.

20 Evidence from the crime scene such as semen
21 stain on the couch where the illegal act occurred
22 or an unlaundered item of clothing saved by the

1 victim can sometimes yield DNA results even when
2 the evidence is collected months after the sexual
3 act occurred. While our agents occasionally are
4 able to obtain assistance from state laboratories
5 in collecting crime scene evidence, typically the
6 OIG agents must collect the evidence on their own.
7 We usually submit our forensic evidence to the
8 F.B.I. for analysis. Unfortunately, because of the
9 F.B.I.'s backlog in processing evidence, we often
10 have a lengthy wait, sometimes up to a year or more
11 before we receive the results of forensic testing.
12 Occasionally state laboratories have analyzed our
13 evidence for us, but the state laboratories often
14 have the same lengthy delays due to backlogs.

15 I want to talk about the case of United States
16 versus Alfred Barnes and others that were indicted
17 recently in the Northern District of Florida
18 because this illustrates the harm that is caused to
19 both individual inmates who are victims of sexual
20 abuse and to the institution when correctional
21 officers engage in this illegal conduct.

22 Because this case is pending trial, I will

1 limit the discussion to the factual allegations
2 asserted in the public indictment. Six federal
3 Bureau of Prison correctional officers at the
4 Federal Correctional Institute in Tallahassee,
5 Florida were indicted on June 20th, 2006, in the
6 Northern District of Florida on charges of
7 conspiracy to sexually abuse females and to
8 introduce contraband into the correctional
9 facility.

10 The indictment charges that the six male
11 correctional officers bribed numerous female
12 inmates to engage in sexual activity with them by
13 providing them with contraband. The defendants
14 would conspired among themselves to switch duty
15 assignments to facilitate this illegal sexual
16 activity. The defendants conspired to cover up
17 their illegal activities by requiring others female
18 inmates to act as lookouts when the illegal sexual
19 activity was taking place. The defendants kept
20 inmates from reporting the defendant's illegal
21 conduct by threatening to place contraband among
22 the inmate's belongings and by threatening to have

1 the inmates transferred to a facility that was far
2 from the family members who visit them.

3 The defendants showed victims information
4 about the inmates on the BOP computer system as
5 proof that the inmates could be tracked anywhere
6 within the BOP system. The defendants monitored
7 telephone calls of specific inmates in order to
8 intimidate them and to identify any inmates who
9 were disclosing their criminal conduct. The
10 defendants also asked other correctional officers
11 and inmates to speak with individuals suspected of
12 corroborating with law enforcement investigators in
13 an attempt to persuade them not to cooperate.

14 Finally, it is with great sadness that I note
15 the death of OIG Special Agent William Buddy
16 Sentner, who was shot and killed in the line of
17 duty on June 21, 2006, as he was working as part of
18 the team to execute arrest warrants in the
19 Tallahassee case I just described. When OIG and
20 FBI agents went to arrest the indicted correctional
21 officers in the BOP facility, one of the
22 correctional officers began firing at the team with

1 a personal firearm he brought into the facility.
2 The correctional officer hit a BOP lieutenant, shot
3 at another OIG agent and then shot and hit Buddy
4 Sentner. After he was hit, Buddy courageously
5 returned fire and killed the correctional officer.
6 Buddy died a short time later.

7 As Inspector General Glen Fine stated in his
8 eulogy, Buddy Sentner was a hero. His brave
9 actions under fire saved the lives of other federal
10 employees while giving his own life. Buddy
11 Sentner, like other OIG agents, recognized that his
12 job was dangerous and difficult. It is not an easy
13 job to investigate corrupt federal employees who
14 abuse their trust and pray upon others. But he,
15 like other OIG agents, work tirelessly to protect
16 others and improve the Department of Justice. He
17 was a deeply committed federal law enforcement
18 agent, colleague and friend, and he will be greatly
19 missed.

20 I thank you the Commission for inviting me to
21 provide this testimony and I will be happy to
22 answer any questions you have.

1 THE CHAIRMAN: Thank you very much.

2 Mr. Aldrich.

3 MR. ALDRICH: Thank you. I have been
4 honored to be selected by the Commission to testify
5 today regarding effective investigative procedures.
6 It was during the fall of 1996 that I attended my
7 first training sponsored by the National Institute
8 of Corrections held in Longmont, Colorado. This
9 valuable training was also attended by my
10 supervisor, Director A.T. Wall, and Ms. Roberta
11 Richmond, who is now serving as assistant director
12 in the Rhode Island Department of Corrections.

13 The training focused on investigating staff
14 sexual misconduct. The training experience was the
15 genesis in our Department's quest to secure
16 legislation criminalizing sexual relationships
17 between staff and offenders. In 1996, I had been
18 fortunate enough to attend numerous -- or since
19 1996 I had been fortunate enough to attend numerous
20 National Institute of Corrections training as a
21 participant and a presenter.

22 My purpose in testimony today is to underscore