

Do We Have an Obligation to Protect Convicted Public Officials in Prison?

By: Kevin M. Tamez

An *Opinion* from the [The MPM Group, Inc.](#)

Public Officials (Politicians/Law Enforcement) are being indicted and incarcerated in federal penal facilities in record numbers. Their routine incarcerations should pose both logistical as well as ethical issues for the U.S. Bureau of Prisons. Apparently, they don't.



As a nationally recognized consulting and inmate advocacy firm, **The MPM Group** receives numerous inquiries every year from potential federal inmates concerned about their personal safety while they serve their federal sentences. As one might expect, a majority of these inquiries come from convicted public officials to include, but not limited to, state/local police officers and/or various federal law enforcement personnel. These potential clients have no doubt been made aware that **MPM** offers select staff members who are former law enforcement personnel who have themselves been convicted of a crime and spent some period of time in a federal penal facility. Indeed, I am one of those “select” consultants, but I have traditionally been reticent about discussing my personal one-time legal transgression because I firmly believe that, no matter how articulate a convicted public official might be, whenever they open their mouths, or put pen to paper, they inevitably appear as if they are trying to absolve themselves of their personal guilt or well-deserved shame. I, on the other hand, have consistently followed mountaineer and author Jon Krakauer’s position wherein he once candidly confessed, “...*the stain this has left on my psyche is not the sort of thing that washes off after a few months of grief and guilt-ridden self reproach.*” Although I continue to share Mr. Krakauer’s sentiment, recent events have prompted me to agree to share my personal experience in the hope that others might benefit from my personal observations, but more importantly, learn from my mistakes.

I spent the better part of my adult life serving in both state and federal law enforcement. While a local police officer in a large metropolitan area, I garnered more than 32 letters of commendation for my services in both uniform and in the Detective Bureau while working all types of criminal cases to include homicides and major narcotics cases. I was even named the Chamber of Commerce and Jaycee Policeman of the Year for my efforts.

After transferring to federal service, I was awarded a total of 22 commendations from the Department of Justice (DoJ) and 12 commendations from other U.S. government agencies as well as recognition from various foreign governments for my efforts conducting paramilitary law enforcement operations overseas. Suffice it to say, in my first twenty-something years of public service; I was considered the *poster boy* for the perfect government employee. Unfortunately, in the twilight of my “illustrious” law enforcement career, I committed the most egregious of offenses. I allowed myself to become involved in an administrative, albeit criminal, offense that violated my oath of office and subjected me to federal prosecution.

During my admittedly self-inflicted legal nightmare, I understandably never questioned the very judicial “system” that I had so loyally served for more than 20-years and consequently, pleaded guilty to the charges against me. I did so even though I harbored personal reservations about their accuracy, questioned the government’s tactics used to obtain them and did so in spite of the considerable personal anger I eventually developed as a result of the intentionally “hurtful” and false allegations levied against my family.

Although shell-shocked during a significant portion of my own legal proceedings, I do recall being cautioned by my defense attorney (a former Assistant United States Attorney himself) that the federal judicial system was intentionally designed to promote criminal convictions at any cost – a traditionally well-oiled legal machine that is only of late being more aggressively scrutinized concerning their questionable and, in some cases,



even Draconian prosecutorial “tactics.” In fact, during my own plea negotiations, this seasoned law enforcement professional was quickly educated to the fact that each U.S. Attorney’s Office demands their own personal “*Andy Warhol 15-Minutes*” and will usually do so at the defendant’s personal and financial expense. Hence, most federal defendants are usually subjected to the very public DoJ electronic document filing system, the traditionally unexplained and certainly illegal leaks from federal grand jury, self-serving and usually inaccurate press releases, as well as the resulting Google® and Yahoo® submissions – all now readily and permanently available through the many Internet computer venues.

In any event, at my formal sentencing, I expectedly received the top-end of the federal sentencing guideline range and, when adding the litany of mandated *official misconduct* sentencing “enhancements,” I received an additional 12-months for a total of 30-months of incarceration. Although I stood in front of the U.S. District Judge with my head up and shoulders back, let there be no doubt in anyone’s mind, I was terrified by the realization that I would now be serving prison time with the very people I had dedicated my life to incarcerating.



While addressing my sentencing judge, my attorney asked the U.S. District Court Judge to “recommend” to the U.S. Bureau of Prisons (BOP) that I be sent to a BOP facility outside the New Jersey/New York area hoping that distance would offer some assurances for my personal safety. We also contacted the BOP Designation Center in Grand Prairie, Texas, but were told that there were no systems-in-

place to protect incarcerated public officials or law enforcement personnel, a group commonly referred to as “special needs” inmates. In fact, the only option available would be for the inmate to request Protective Custody (PC), which would consist of living “locked-down” in a 9’x12’ cell in the Special Housing Unit (SHU) in some larger BOP prison facility for their entire sentence. In the alternative, they informed us that the Department of Justice (DoJ) could approve Witness Security (WITSEC) housing; however, they were very quick to inform us that government informants (usually significant criminals themselves), cooperating



Typical SHU Cell

organized crime figures and terrorists who cooperated with the government qualified for WITSEC housing, but “dirty cops” were *basically on their own* in the BOP system. Notably, the BOP never offered an explanation as to why there were no “systems-in-place” other than their not-so-subtle inference that these “special needs” inmates were most probably “*getting what they deserve.*” Fortunately, I was designated to a federal prison camp in the BOP Southeast Region and I experienced no significant issues during my personal incarceration – no thanks to the federal government – actually, in spite of them.

As a result of my personal “sabbatical” some 5-years ago, I am frequently contacted by defense attorneys who represent federal/state law enforcement personnel, members of the clergy, politicians and yes, even pedophiles who are facing the unnerving prospect of spending periods of times incarcerated in the federal prison system. They all ask me the same question – what can be done to help protect them from the wrath of fellow inmates while they *pay their debt to society*? Unfortunately, under the current BOP policies, the simple answer is - not too damn much.

BOP inmate uniforms (Inmate tan or “Camper” green) have a white iron-on name tag over the left breast pocket. Camper Green Example► The inmate’s last name and initials are listed in capital letters with their inmate Registration Number (Reg No.) underneath. This Reg. No. is usually five digits with a hyphen and three additional digits (e.g. 12345-012). The numbers are significant in that the last three digits indicate what federal judicial district the inmate was charged and booked by the U.S. Marshall Service (e.g. 12345-**054** is the Southern District of New York). The preceding five digits are the chronological sequence in which the defendant was booked in that judicial district. Therefore, if the inmate arrives at the Federal



Prison Camp in Pensacola, Florida, it won’t be long before street-savvy inmates know they are from the New York area and approximately when he/she was booked if there are other inmates around from that district to compare booking numbers. Furthermore, with their full name prominently displayed on their chest in bold print, it won’t be long before some resourceful fellow inmate has someone on the outside (or a helpful Correctional Officer on the inside) run their name and state of origin in Google or similar public database. In fact, in this electronic age and the public’s “constitutional need to know,” *John Q Citizen* can even access the inmate’s entire federal case file on **Public Access to**



Typical Crowded Camp Housing Unit

Court Electronic Records (PACER). Ironically, and as if to had insult to injury, most BOP facilities now have Corrlinks® email service that allow an inmate to contact family or friends to expedite the curious inmate’s inquiry – we know, Hollywood couldn’t make this stuff up!! Therefore, with in-direct access to electronic data bases and the extremely tight living conditions, the odds of an inmate concealing his/her identity in the BOP system is pretty slim, if not non-existent.

As a “civilized society,” do we have an obligation to absorb additional expense or extend “special treatment” to those individuals who have violated the public trust or even to



those who have committed even more heinous crimes against our children? Let me say it before a majority of our public does - an unequivocal NO!! However, should we disregard our personal opinions about “special needs” inmates for just a moment, as a civilized society, should we stand by while these same individuals are physically assaulted, raped, and brutalized by fellow inmates who themselves have committed heinous crimes and again, I say NO. Therefore, as a civilized society, we should simply

ask, is there a solution that would appeal to both sides of the aisle and we say – of course there is. In fact, the solution is so simple and cost-free, one can’t help but conclude that the U.S. government (DoJ/BOP) has deliberately ignored it in an effort to exact that *extra pound of flesh* from this select group of publicly “despicable” defendants.

Just how elusive is this proposed solution? As background, the operational nerve center for the BOP is the **Designation and Sentencing Computation Center** (DSCC) located in Grand Prairie, Texas. The DSCC assigns and monitors all federal inmates throughout the United States. Although a daunting task with more than 200,000 inmates nationwide, the BOP facilitates this mission by maintaining all BOP inmates, and their backgrounds, in their nationwide SENTRY Inmate Management System computer system. A computer network readily available in all BOP facilities.

If the BOP was so inclined, they could easily accommodate a “special needs” inmate by simply following a couple of extremely manageable steps. First, acquiesce to the defendant’s formal request to the sentencing court that he/she be incarcerated outside the district where they were sentenced while, at the same time, requesting a simple BOP computer name change. Subsequent to judicial approval, the DSCC could simply change the prospective inmate’s last name and Reg. No. in the SENTRY system so their BOP file would reflect that new name in all BOP official files. (The Reg. No. change would only be related to the BOP inmate filing system and would have no effect on the USMS’ independent filing system.) Consequently, the new inmate’s BOP uniform name tag would reflect that new last name and number and, for all intents and purposes, effectively thwart any unofficial inquiries by a nosey inmate or unauthorized BOP employee. Obviously, the DSCC would have the fictitious name and number “flagged” so that only they knew the true identity of the inmate while allowing them to electronically monitor any BOP employee who had an unexplained “interest” in that particular inmate. At the end of the day, the only “accommodation” being afforded to this “special needs” inmate would be a last name change in an in-house (BOP) computer system thus, protecting him/her from unnecessary exposure in the SENTRY system or the “Prison Locator” public access site through www.BOP.gov. A no-cost/minor computer alteration for the government with the cost of moving the minimum-security inmate to another district being passed to the prospective inmate by allowing him/her to self-surrender. Problem solved - Or is it?

The BOP's heretofore unrelenting resolve in not accommodating certain "special needs" inmates suggests an ulterior motive may be afoot. Indeed, if a U.S. government agency has a cost-free and reasonably effortless alternative to the physical assault of certain inmates in their charge, why would they not avail themselves of that option? Logic would dictate that they simply don't care to or, even worse, they are being directed not to. Either way, in this country's zeal to defend the rights of murderers, rapists and terrorists, this type of conduct is inexcusable.

At the risk of appearing self-serving, I cite my personal history not for any type of self-aggrandizement, but to simply point out that my criminal case was not unusual by any conventional standards. In point-of-fact, my case was somewhat mundane by comparison and, as such, did not warrant (at least in my very subjective estimation) any sort of additional punishment over and above the additional 12-months of confinement that I received in "official misconduct" enhancements. Nonetheless, like many others in my position, I was unceremoniously lumped in with all "special needs" inmates and assigned to a federal penal facility with little or no consideration for my personal safety. Such standardized treatment certainly questions when, if ever, is there enough punishment exacted upon a disgraced public servant?

The hypocrisy of our lawmakers and collective public is nothing short of shameless when they demonstrate their very public "outrage" about the photographs depicting detainees at wearing a dog collar or being forced to stand on a box. Yet, a federal "special needs" inmate can be brutally assaulted, sodomized, mentally terrorized and, in those rare cases, murdered in a penal facility with nary an utterance of protest from these very same human rights advocates.

Ironically, I remain an advocate to the principle that any public official who abuses his or her *position of trust* should be punished. If that punishment entails incarceration, so be it. However, I also believe that no person deserves to be subjected to untold physical or mental abuse while *paying their debt to society* - no matter what background he/she comes from. Even if one were to anticipate the predictable argument that the additional physical abuse inflicted upon an incarcerated public official acts as a deterrent to future public corruption, I would remind them that this is the same lame argument used to justify the grossly ineffective "deterrent" of this country's death penalty.



Truth be told, the BOP runs a pretty tight ship and violence and/or abuse is admittedly rare at the minimum-security level, but it does exist. On the other hand, their Low, Medium and High security levels are certainly a different story and deserve considerable attention when dealing with the ever increasing number of "special needs" inmates. Even more so should one consider that the BOP could effectively prevent a majority of this abuse with a couple of strokes of a computer keyboard.

The BOP certainly owes me no explanation as to why they don't do more to protect "special needs" inmates especially, when such a simple and cost-free solution is literally at their finger tips. However, I would suggest that they do owe it to certain "special needs" inmates, but more importantly, as a U.S. government agency, they owe it to themselves.

About the Author: **Kevin M. Tamez** is a 27-year veteran of both state and federal law enforcement. He is a federally adjudicated expert in most types of criminal investigations and has served throughout the United States as well as several sensitive posts overseas. Currently, Mr. Tamez is a litigation consultant, author and a recognized expert in inmate advocacy issues. Mr. Tamez can be reached at KMT@thempmgroup.com

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