

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA** : **CRIMINAL NO.** \_\_\_\_\_  
v. : **DATE FILED:** \_\_\_\_\_  
**TROY LEVI** : **VIOLATIONS:**  
: **18 U.S.C. § 1512(b)(3) (witness tampering**  
: **- 2 counts)**  
: **18 U.S.C. § 1512(c)(2) (obstruction of**  
: **justice - 1 count)**  
: **18 U.S.C. § 1001(a)(2) (making a false**  
: **statement - 2 counts)**  
: **18 U.S.C. § 1519 (obstruction of justice**  
: **- 2 counts)**  
: **18 U.S.C. § 2 (aiding and abetting)**

**INDICTMENT**

**COUNT ONE**

**(Witness Tampering)**

**THE GRAND JURY CHARGES THAT:**

At all times material to this indictment:

**Introduction**

1. The Federal Detention Center (“FDC”) was an administrative prison facility located at 700 Arch Street in Philadelphia, Pennsylvania, that housed male and female pretrial inmates for the Eastern District of Pennsylvania, all of Delaware, and southern New Jersey.

2. Defendant TROY LEVI was the Warden and Chief Executive Officer of the FDC. As the Warden, defendant LEVI was responsible for the operation of the FDC.

Defendant LEVI also delegated responsibility to executive staff and department heads to assist in managing the institution.

3. The FDC was part of the Federal Bureau of Prisons (“BOP”), a unit within the United States Department of Justice (“DOJ”). The headquarters of the BOP (the “Central Office”) was located in Washington, DC, and the six main regional offices of the BOP were located throughout the United States. The FDC was overseen by the Northeast Regional Office, which was located in Philadelphia, Pennsylvania.

#### **BOP Policies Regarding Employee Misconduct**

4. BOP Program Statement 3420.09 on “Standards of Employee Conduct” prohibited BOP employees from introducing contraband, including weapons, into or upon the grounds of any federal penal or correctional institution without the knowledge and consent of the Warden of the facility. It also provided that employees shall refrain from engaging in illegal activities.

5. Under Title 18, United States Code, Section 930(a), it was a federal offense for a person to knowingly possess or cause to be present a firearm or other dangerous weapon in a Federal facility (other than a Federal court facility), or to attempt to do so, with limited exceptions.

6. BOP Program Statement 1210.24 on “Office of Internal Affairs” provided that, upon becoming aware of any possible violation of the Standards of Employee Conduct, the CEO of an institution was to report the violation to the BOP Office of Internal Affairs (“OIA”). If the alleged violation involved the possible possession of a weapon on the grounds of a BOP

prison facility without authorization, the CEO was to report the alleged violation to OIA immediately.

7. BOP Program Statement 1210.24 on “Office of Internal Affairs” provided that OIA was to refer allegations of serious misconduct, including possible violations of the law that could result in prosecution, to the DOJ Office of the Inspector General (“OIG”) for review within 48 hours.

8. All BOP institutions, including the FDC, have assigned to them a Special Investigative Supervisor (“SIS”) or a Special Investigative Agent (“SIA”). The SIS or SIA is authorized to perform staff misconduct investigations as approved by the Warden. The SIS or SIA is also authorized to communicate with OIA staff in order to assist in the general coordination of investigations into staff misconduct. In addition, the SIS or SIA acts as a liaison with, and assistant to, Federal, state and local law enforcement officials in preparing cases for possible prosecution.

#### **Firearm Incident at the FDC**

9. Person No. 1, an individual known to the grand jury, was employed at the FDC as a Correctional Systems Officer (“CSO”).

10. On or about August 30, 2010, at approximately 3:20 p.m., Person No. 1 entered the FDC while carrying a bag that contained a firearm. Person No. 1 did not have authorization to bring the firearm into the FDC, nor did he have authorization to possess or carry the firearm within the FDC. At the time of this incident, Person No. 1 was the subject of a separate and unrelated workplace violence investigation involving another employee of the FDC.

11. After Person No. 1 entered the FDC while in possession of a firearm, he proceeded to the screening area, where a Correctional Officer detected the firearm through the use of an X-ray machine and alerted Person No. 1 to the presence of the firearm. Person No. 1 then retrieved his bag containing the firearm, exited the FDC, and placed the firearm inside the trunk of his car, which was parked in an adjacent parking lot.

12. After Person No. 1 secured his firearm in the trunk of his car, Person No. 1 re-entered the FDC. A few minutes after re-entering the FDC, Person No. 1 self-reported the firearm incident to Person No. 2, an individual known to the grand jury, who was the Special Investigative Agent assigned to the FDC. Person No. 1 informed Person No. 2 that Person No. 1 had accidentally brought his firearm into the FDC. Person No. 1 explained that he had forgotten to take the firearm out of his bag after finishing his shift from his second job as an armed security guard. Person No. 2 instructed Person No. 1 to prepare a memorandum about the incident and to provide the memorandum to Person No. 2 the following day.

13. Within approximately one hour from the time that Person No. 1 entered the FDC with a firearm in his bag, an Associate Warden of the FDC informed defendant TROY LEVI that a BOP employee had entered the FDC while in possession of a firearm.

**Defendant Troy Levi's Efforts to Obstruct the Investigation of the Firearm Incident at the FDC**

14. On or about August 30, 2010, after defendant TROY LEVI was advised that Person No. 1 had entered the FDC while in possession of a firearm, defendant LEVI began to take steps to circumvent and obstruct any investigation into the firearm incident. More specifically, defendant LEVI took the following actions on or about August 30, 2010:

a. Defendant TROY LEVI falsely stated to executive staff, including an FDC Lieutenant, an FDC Captain, and an FDC Associate Warden, that defendant LEVI had previously provided permission to Person No. 1 for Person No. 1 to bring his firearm into the FDC in order to store the firearm in an FDC gun locker, but that defendant LEVI had forgotten to notify anyone else about having given such permission to Person No. 1.

b. Defendant TROY LEVI had a private meeting with Person No. 1 in which defendant LEVI told Person No. 1 that, if anyone were to ask Person No. 1 about the firearm incident, Person No. 1 should falsely state that defendant LEVI had given permission to Person No. 1 for Person No. 1 to bring the firearm into the FDC so that it could be secured in an FDC gun locker. Defendant LEVI also told Person No. 1 to state falsely to others that the firearm could not be secured in Person No. 1's car because the trunk was not locking properly.

c. In order to make it appear as if it were true that Person No. 1's trunk was not locking properly, defendant TROY LEVI instructed Person No. 1 to retrieve his firearm from the trunk of his car, to bring it into the FDC, and to have it secured in a gun locker within the FDC. Defendant LEVI then accompanied Person No. 1 to the front lobby of the FDC and watched as Person No. 1 returned with the firearm from his car and secured it in the FDC gun locker.

d. Defendant TROY LEVI called Person No. 2, the Special Investigative Agent, and falsely stated to Person No. 2 that defendant LEVI had previously provided permission to Person No. 1 for Person No. 1 to bring his firearm into the FDC.

15. On or about August 31, 2010, defendant TROY LEVI took the following actions to obstruct the investigation of the firearm incident:

a. In a telephone conversation with Person No. 3, the Regional Director of the Northeast Regional Office (the “Regional Director”), defendant TROY LEVI falsely stated to Person No. 3 that it was not the case that Person No. 1 had brought a firearm into the FDC without authorization. Defendant LEVI falsely stated to Person No. 3 that defendant LEVI had previously provided permission to Person No. 1 for Person No. 1 to bring the firearm into the FDC so that it could be secured in an FDC gun locker.

b. Defendant TROY LEVI instructed Person No. 2 not to report the firearm incident to OIA.

c. Defendant TROY LEVI falsely stated to an FDC Associate Warden and to the FDC Attorney Advisor that defendant LEVI had previously authorized Person No. 1 to bring his firearm into the FDC.

d. Defendant TROY LEVI called Person No. 1 into his office and told Person No. 1 that both Person No. 1 and defendant LEVI could get “jammed up” over the firearm incident. Defendant LEVI also confirmed with Person No. 1 that Person No. 1 would continue to go along with defendant LEVI’s false account of having provided permission for Person No. 1 to bring his firearm into the FDC.

16. On or about September 1, 2010, defendant TROY LEVI took the following actions to obstruct the investigation of the firearm incident:

a. At approximately 6:30 a.m., defendant TROY LEVI went to the area of the Liberty Bell in Philadelphia in an attempt to find and meet with Person No. 1, who defendant LEVI believed was working in that area as an armed security guard. Person No. 1 was not working there at that time.

b. While Person No. 1 was off duty from his job at the FDC, defendant TROY LEVI called Person No. 1's cellphone and told Person No. 1 that there would probably be an investigation into the firearm incident, and that Person No. 1 and defendant LEVI could both be fired and prosecuted for it. Defendant LEVI asked if Person No. 1 still "had his back," and Person No. 1 said that he did.

17. From on or about September 2, 2010 through on or about September 3, 2010, defendant TROY LEVI called Person No. 1's cell phone several times in order to confirm that Person No. 1 would continue to go along with defendant LEVI's false story regarding the firearm incident. In one conversation with Person No. 1, defendant LEVI told Person No. 1 that Person No. 1 might be questioned about why Person No. 1 had asked defendant LEVI for permission to secure the firearm at the FDC. Defendant LEVI advised that Person No. 1 could say that Person No. 1 had a problem with the trunk of his car. Defendant LEVI also stated that Person No. 1 might have to create a story about another car hitting the back of Person No. 1's car. Defendant LEVI further stated that Person No. 1 might be questioned about whether Person No. 1 had fixed the trunk, and instructed Person No. 1 to obtain a receipt from a mechanic showing that the mechanic had worked on the trunk of Person No. 1's car in order to fix it.

18. On or about September 3, 2010, at the direction of defendant TROY LEVI, Person No. 1 obtained an invoice from an automotive mechanic at Oxford Auto Repair in Philadelphia, Pennsylvania, indicating that the latch on the trunk of Person No. 1's car had been serviced.

19. On or about September 3, 2010, defendant TROY LEVI met with Person No. 4, who was serving as Acting Regional Director for the Northeast Regional Office on that

date. Defendant LEVI falsely stated to Person No. 4 that defendant LEVI had given permission to Person No. 1 for Person No. 1 to bring his firearm into the FDC because Person No. 1 had seen defendant LEVI with someone who defendant LEVI “should not have been with.”

Defendant LEVI attempted to give the false impression to Person No. 4 that defendant LEVI had given permission for Person No. 1 to bring his firearm into the FDC because defendant LEVI feared that Person No. 1 could expose the purported fact that defendant LEVI was having an adulterous affair.

20. On or about September 3, 2010, defendant TROY LEVI called Person No. 3 and repeated the false story that defendant LEVI conveyed to Person No. 4 about having given permission to Person No. 1 to bring his firearm into the FDC because Person No. 1 had seen defendant LEVI with someone that defendant LEVI “should not have been with.”

21. On or about September 4, 2010, at approximately 2:00 a.m., defendant TROY LEVI went to the area of the Liberty Bell in Philadelphia, where Person No. 1 was working as an armed security guard. Defendant LEVI met with Person No. 1 and told him that they could not use the telephone to talk anymore. Defendant LEVI asked Person No. 1 to meet defendant LEVI in New Jersey later that day. Person No. 1 told defendant LEVI that he could not meet him in New Jersey, but Person No. 1 agreed to meet again with defendant LEVI in Philadelphia. Later that day, defendant LEVI called Person No. 1 and called off their scheduled meeting.



22. From on or about August 30, 2010 through on or about September 4, 2010, in the Eastern District of Pennsylvania, defendant

**TROY LEVI**

corruptly persuaded, attempted to corruptly persuade, and engaged in misleading conduct toward Person No. 1, and aided, abetted, counseled, commanded, induced, and procured the same, with intent to hinder, delay, or prevent the communication to law enforcement officers of information relating to the possible commission of a Federal offense, that is, possession of a firearm in a Federal facility, in violation of Title 18, United States Code, Section 930.

In violation of Title 18, United States Code, Section 1512(b)(3) and 2.

**COUNT TWO**

**(Witness Tampering)**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 21 of Count One are incorporated here.
2. From on or about August 30, 2010 through on or about August 31, 2010,

in the Eastern District of Pennsylvania, defendant

**TROY LEVI**

corruptly persuaded, attempted to corruptly persuade, and engaged in misleading conduct toward Person No. 2, by falsely stating to Person No. 2 that defendant LEVI had given permission to Person No. 1 prior to August 30, 2010, for Person No. 1 to bring a firearm into the FDC, and by instructing Person No. 2 to decline to report the incident to the Bureau of Prisons' Office of Internal Affairs, with intent to hinder, delay, or prevent the communication to law enforcement officers of information relating to the possible commission of a Federal offense, that is, possession of a firearm in a Federal facility, in violation of Title 18, United States Code, Section 930.

In violation of Title 18, United States Code, Section 1512(b)(3) and 2.

**COUNT THREE**

**(Obstruction of Justice)**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 21 of Count One are incorporated here.
2. From on or about September 1, 2010 through on or about September 3,

2010, in the Eastern District of Pennsylvania, defendant

**TROY LEVI**

corruptly obstructed, influenced, and impeded an official proceeding, and attempted to do so, in that defendant TROY LEVI caused to be created an invoice dated September 3, 2010 from an automotive mechanic at Oxford Auto Repair in Philadelphia, Pennsylvania, indicating that the latch on the trunk of Person No. 1's car had been serviced, in an effort to fabricate evidence that the lock on the trunk of Person No. 1's car had not been functioning properly on or about August 30, 2010, when, in fact, the lock had been functioning properly on or about that date.

In violation of Title 18, United States Code, Sections 1512(c)(2) and 2.

**COUNT FOUR**

**(Making a False Statement)**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 21 of Count One are incorporated here.
2. On or about September 3, 2010, in the Eastern District of Pennsylvania,

defendant

**TROY LEVI,**

in a matter within the jurisdiction of the United States Department of Justice, an agency of the executive branch of the United States, knowingly and willfully made a materially false, fictitious, and fraudulent statement and representation, claiming during a meeting with Person No. 4 that defendant TROY LEVI had given permission to Person No. 1 prior to August 30, 2010, for Person No. 1 to bring a firearm into the FDC, when in fact, as defendant LEVI well knew, defendant LEVI had not given such permission to Person No. 1.

In violation of Title 18, United States Code, Section 1001(a)(2).

**COUNT FIVE**

**(Making a False Statement)**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 21 of Count One are incorporated here.
2. On or about September 3, 2010, in the Eastern District of Pennsylvania,

defendant

**TROY LEVI,**

in a matter within the jurisdiction of the United States Department of Justice, an agency of the executive branch of the United States, knowingly and willfully made a materially false, fictitious, and fraudulent statement and representation, claiming during a telephone call with Person No. 3 that defendant TROY LEVI had given permission to Person No. 1 prior to August 30, 2010, for Person No. 1 to bring a firearm into the FDC, when in fact, as defendant LEVI well knew, defendant LEVI had not given such permission to Person No. 1.

In violation of Title 18, United States Code, Section 1001(a)(2).

**COUNT SIX**

**(Obstruction of Justice)**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 21 of Count One are incorporated here.
2. From on or about September 1, 2010 through on or about September 3,

2010, in the Eastern District of Pennsylvania, defendant

**TROY LEVI**

knowingly falsified and aided, abetted, counseled, commanded, induced and procured the falsification of a record, document, and tangible object, that is, an invoice dated September 3, 2010 from an automotive mechanic at Oxford Auto Repair in Philadelphia, Pennsylvania, indicating that the latch on the trunk of Person No. 1's car had been serviced, with the intent to impede, obstruct, and influence the investigation or proper administration of a matter within the jurisdiction of the U.S. Department of Justice, a department or agency of the United States.

In violation of Title 18, United States Code, Sections 1519 and 2.

## COUNT SEVEN

### (Obstruction of Justice)

#### THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 21 of Count One are incorporated here.
2. Under BOP policies, before a staff employee could begin any outside employment that involved the carrying of a firearm, the employee was required to obtain authorization for such employment by the employee's immediate supervisor, the CEO of the employee's institution, and the BOP Ethics Office.
3. On or about August 31, 2010, Person No. 3 asked defendant TROY LEVI if Person No. 1 had obtained the required authorizations in order to begin working in outside employment that involved the carrying of a firearm. Defendant LEVI told Person No. 3 that defendant LEVI thought Person No. 1 had obtained the proper authorizations to begin such employment, but that defendant LEVI would check on the matter.
4. On or about August 31, 2010, Person No. 5, an Attorney Advisor at the FDC, advised defendant TROY LEVI that Person No. 1 and Person No. 6, another employee at the FDC who is known to the grand jury, had not obtained the proper authorizations to work in outside employment that involved the carrying of a firearm. Person No. 5 advised defendant LEVI that the failure by Person No. 1 and Person No. 6 to obtain such authorizations should be referred to OIA for investigation. Defendant LEVI asked Person No. 5 if backdated memos for Person No. 1 and Person No. 6 could be created to make it appear as if Person No. 1 and Person No. 6 had obtained the required authorizations prior to beginning their outside employment. Person No. 5 advised that they could not do so, and that Person No. 5 was unwilling to sign or

acknowledge receipt of any memoranda from Person No. 1 or Person No. 6 other than memoranda that truthfully acknowledged that Person No. 1 and Person No. 6 had been working in outside employment that involved the carrying of a firearm without authorization.

5. On or about September 1, 2010, defendant TROY LEVI instructed Person No. 1 and Person No. 6 to submit undated memoranda to Person No. 5 seeking authorization for outside employment involving the carrying of a firearm.

6. On or about September 2, 2010, at the direction of defendant TROY LEVI, Person No. 1 and Person No. 6 each submitted undated memoranda to Person No. 5 seeking authorization for outside employment involving the carrying of a firearm.

7. From on or about August 31, 2010 through on or about September 2, 2010, in the Eastern District of Pennsylvania, defendant

**TROY LEVI**

knowingly falsified and aided, abetted, counseled, commanded, induced and procured the falsification of records, documents, and tangible objects, that is, an undated memorandum from Person No. 1 addressed to Person No. 5 and defendant TROY LEVI regarding outside employment, and an undated memorandum from Person No. 6 addressed to Person No. 5 and defendant LEVI regarding outside employment, with the intent to impede, obstruct, and influence



the investigation or proper administration of a matter within the jurisdiction of the U.S.

Department of Justice, a department or agency of the United States.

In violation of Title 18, United States Code, Sections 1519 and 2.

**A TRUE BILL:**

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**FOREPERSON**

**ERIC H. HOLDER, JR.**  
**Attorney General**

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**ROD J. ROSENSTEIN**  
**United States Attorney**  
**District of Maryland**

**Table of Unnamed Persons in Indictment**

<b><u>Person</u></b>	<b><u>Description</u></b>
1	Correctional Systems Officer at FDC
2	Special Investigative Agent assigned to the FDC
3	Regional Director of the Northeast Regional Office
4	Acting Regional Director for the Northeast Regional Office
5	Attorney Advisor at the FDC
6	Employee at the FDC