

JGM:CAC  
F#: 2012R01466

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**13M101**

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UNITED STATES OF AMERICA

- against -

NANCY GONZALEZ,

Defendant.

COMPLAINT AND AFFIDAVIT  
IN SUPPORT OF APPLICATION  
FOR ARREST WARRANTS

(T. 18, U.S.C.,  
§ 2243(b))

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EASTERN DISTRICT OF NEW YORK, SS:

OMAR DAZA, being duly sworn, deposes and says that he is a Special Agent with the Department of Justice, Office of Inspector General ("OIG"), duly appointed according to law and acting as such.

On or about and between March 24, 2012 through August 3, 2012, within the Eastern District of New York, the defendant NANCY GONZALEZ, while employed by the Federal Bureau of Prisons, did knowingly and intentionally engage in a sexual act, to wit: sexual intercourse with an inmate, who was at that time in official detention and under her custodial, supervisory and disciplinary authority in a Federal prison, to wit: the Metropolitan Detention Center (the "MDC").

(Title 18, United States Code, Section 2243(b)).

The source of my information and grounds for my beliefs are as follows:

1. I have been employed by OIG for approximately eleven years. During my tenure at OIG, I have participated in many investigations into criminal and administrative wrongdoing of department employees, including sexual abuse cases. In the course of those investigations, I have conducted physical surveillance, monitored undercover operations, debriefed cooperating witnesses and confidential informants, monitored recorded prison telephone calls, and interviewed civilian witnesses.

2. Because this affidavit is being submitted for the purpose of establishing probable cause to arrest, I have not included every detail of every aspect of the investigation. Rather, I have set forth only those facts that I believe are necessary to establish probable cause. The information set forth below is based upon my experience and training as an OIG Special Agent, my review of documents and other evidentiary items, debriefing of witnesses, and my discussions with other law enforcement agents. Unless specifically indicated, all conversations and statements described in this affidavit are related in substance and in part only.

3. The defendant NANCY GONZALEZ works as a correctional officer at the MDC. From approximately March 24, 2012 through August 3, 2012, an inmate ("Inmate 1") was housed in the unit where GONZALEZ worked the evening shift from 4:00 p.m. to 12:00 a.m. On or about August 3, 2012, the government learned through MDC personnel that several inmates from that same unit had reported that GONZALEZ and Inmate 1 were involved in an inappropriate relationship. One inmate ("CI 1") reported that he observed GONZALEZ and Inmate 1 in an empty room next to Inmate 1's cell "hugging and kissing."<sup>1</sup> CI 1 described how GONZALEZ pretended to do her "rounds," and then would casually enter the vacant activity room where she would meet up with Inmate 1. Another inmate ("CI 2") reported that he observed GONZALEZ and Inmate 1 "hugging and kissing"; he further reported that he had seen the two go into the same vacant room during GONZALEZ's shift. A third inmate ("CI 3") reported that he could see directly into Inmate 1's cell from his cell,<sup>2</sup> and that in approximately April 2012, he saw GONZALEZ standing in front of Inmate 1's cell with the door propped open when all of the other inmates were locked in their cells. CI 3 watched GONZALEZ move away from the cell door and saw Inmate 1 standing at the doorway

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<sup>1</sup> According to MDC personnel, the vacant room is an activity room that was supposed to be locked.

<sup>2</sup> The government has confirmed that CI 3's cell was directly across from Inmate 1's cell.

with his pants down, exposing his genitals. CI 1, CI 2 and CI 3 all reported that GONZALEZ regularly flirted and spoke with Inmate 1 for hours during her shift, sometimes at Inmate 1's cell and other times in the vacant room next to Inmate 1's cell.

4. After learning the above information, the government reviewed videotapes of some of GONZALEZ's shifts. The available videotapes corroborated several aspects of CI 1, CI 2 and CI 3's statements. For example, as CI 1, CI 2 and CI 3 described, the videotapes show the defendant GONZALEZ and Inmate 1 conversing for hours at the correctional officers' desk and in the unit kitchen. The videotape also captures an instance where Inmate 1 walked away from GONZALEZ's desk and proceeded to the vacant room next to Inmate 1's cell. After Inmate 1 entered the vacant room, just as CI 1, CI 2 and CI 3 described, GONZALEZ left the correctional officers' desk, appeared to do rounds, and then entered the vacant room where Inmate 1 waited for her. The videotapes reveal that GONZALEZ remained in the vacant room with Inmate 1 for several minutes at a time. This scenario is repeated at various times over several days worth of available videotapes. In addition, the videotape shows GONZALEZ standing at Inmate 1's cell door for lengthy periods of time while the other inmates are locked into their cells at night.

5. CI 1 also reported that after he was interviewed by the government in September 2012, CI 1 was returned to his unit where he was later approached by GONZALEZ. CI 1 recalled that GONZALEZ appeared very nervous, and asked CI 1 what he told law enforcement. GONZALEZ also stated to CI 1 that she could "get 15 years for this," which is the penalty prescribed for the crime of unlawful sexual abuse on a ward, 18 U.S.C. § 2243.

6. At or near the time that the government was advised of the defendant NANCY GONZALEZ's relationship with Inmate 1, the government learned that GONZALEZ is pregnant. According to MDC personnel, GONZALEZ reported that she was impregnated in June 2012, which was during the time that she and Inmate 1 were involved in a relationship.

7. A review of telephone records reveals that on August 3, 2012, the date that the MDC removed Inmate 1 from the unit where he was supervised by GONZALEZ, GONZALEZ contacted another person who later telephoned Inmate 1's sisters. A review of Inmate 1's recorded telephone calls reveals that Inmate 1 has since asked his mother and sister to make contact with GONZALEZ. Telephone records dated September 13, 2012, show a telephone contact between GONZALEZ and one of Inmate 1's sisters. On November 21, 2012, after Inmate 1 repeatedly complained to his mother that she had not yet contacted "this other person," Inmate 1's mother made several calls to GONZALEZ. One of those

conversations lasted approximately 32 minutes. On November 23, 2012, there were three telephone calls between Inmate 1's mother and GONZALEZ, one of which lasted approximately one hour.

8. Upon further investigation of the defendant NANCY GONZALEZ, the government discovered that GONZALEZ is involved in another relationship with a different inmate ("Inmate 2"). Inmate 2 is currently incarcerated in New York state prison, but was previously incarcerated at the MDC in a unit GONZALEZ supervised in September 2012.<sup>3</sup> Inmate 2's recorded telephone calls with his mother and sister reveal that Inmate 2 has been in a relationship with GONZALEZ since at least early September 2012. Inmate 2 understands that GONZALEZ is pregnant with another man's baby, but he has told his mother that GONZALEZ is no longer with the baby's father because of her relationship with Inmate 2. Inmate 2 has further advised both his mother and his sister that he plans to help GONZALEZ raise the child once he is released from prison. In an October 4, 2012 telephone conversation, Inmate 2 and his mother specifically discussed that GONZALEZ has "issues at work" and that she has a lawyer to deal with those problems.<sup>4</sup> According to Inmate 2's mother, GONZALEZ has admitted

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<sup>3</sup> The government has been monitoring Inmate 2's telephone calls from his upstate New York correctional facility.

<sup>4</sup> The government has been apprised that GONZALEZ has retained counsel to help her navigate her dealings with the government and her employer.

to her that GONZALEZ is willing to "own up to [her] part of it, but by no means is [she] going to make someone go on death row." Notably, Inmate 1 has been convicted of murder and is awaiting the penalty phase of his trial to determine whether he will be sentenced to the death penalty.

9. On October 9, 2012, Inmate 2 advised his mother that he received a letter from the defendant NANCY GONZALEZ. In that letter, GONZALEZ told Inmate 2 that her employment at MDC is "basically over" and that she was hoping to avoid a jail sentence. Inmate 2 told his mother that GONZALEZ reiterated that she does not want to help put someone on death row.

10. On December 20, 2012, at approximately 10:47 a.m., the defendant NANCY GONZALEZ and Inmate 2 spoke to each other directly on the telephone. During the recorded call, GONZALEZ told Inmate 2 the details of how she became pregnant by Inmate 1. Specifically, GONZALEZ explained that she was working in a specific unit where "there was an inmate there that for whatever reason, I took a chance because I was so vulnerable and wanted to be loved and now I am carrying his child." During this same conversation, GONZALEZ explained that she "kind of got sucked into his world" and that she "felt like, well, why not give him a child as far as giving him some kind of hope."

11. During a subsequent conversation that same day, the defendant NANCY GONZALEZ and Inmate 2 specifically discussed who impregnated her. GONZALEZ described the unit where Inmate 1 currently resides within the MDC, described him as "a light skinned black guy" and stated that he is from Staten Island. GONZALEZ also indicated that he had been in jail for "about ten years." GONZALEZ further confided in Inmate 2 that she is never going to have a relationship with Inmate 1, and that "I just basically got wrapped up in something that I should not have got wrapped up. I should have taken a different approach and really seen it as...you know...I had more of a better outcome... to try something with you and still probably would have had my job, you know what I mean than getting myself up with someone that is so high profile that when he farts it makes the news." Although GONZALEZ and Inmate 2 did not refer to Inmate 1 by name, Inmate 2 stated that he knows Inmate 1. GONZALEZ asked Inmate 2 if he knew the letter of Inmate 1's first name, and Inmate 2 responded that the first letter is "R," which is the first letter of both Inmate 1's first name, and his street name.<sup>5</sup>

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<sup>5</sup> While GONZALEZ indicated that there was a chance that her unborn child could have been fathered by another man, she explained to Inmate 2 that it is more likely Inmate 1's baby. GONZALEZ explained that she was with the other person once, and that they were more careful. Whereas with Inmate 1, she had intercourse with him over the course of three weekends during which the sole purpose was to impregnate her.



12. The defendant NANCY GONZALEZ also discussed how initially she and Inmate 1 separated after "all this happened...so they couldn't prove anything, everything was just a rumor." GONZALEZ explained to Inmate 2 that the next time she saw Inmate 1 was in the Special Housing Unit ("SHU") at MDC. Video surveillance footage from the SHU at MDC reveals that GONZALEZ and Inmate 1 indeed conferred outside the SHU legal library in approximately October 2012, while Inmate 1 was housed there.

13. During the same conversation, the defendant NANCY GONZALEZ expressed her fears to Inmate 2 about what to say to her unborn child as to how he was conceived. She stated, "I can't explain it. I know what's to come. I know what is going to be said about me. I know that for me as a parent, how am I going to explain this to this little boy? Mommy was in the military, Mommy was a C.O., Mommy got wrapped up. . . . And then the opposite end is with a person who took lives. So how do you explain that?"

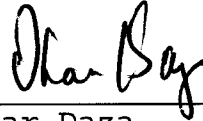
14. On January 5, 2013, at approximately 7:30, the defendant NANCY GONZALEZ told Inmate 2 during a recorded conversation that she received a call from "his mother," which, based on the context of the conversation, was a reference to

Inmate 1's mother.<sup>6</sup> GONZALEZ told Inmate 2 that Inmate 1's mother asked to meet with her to give her a letter, and also requested a sonogram picture of the baby. GONZALEZ expressed her regret at having answered the phone call, and discussed how she would explain the telephone calls between her and Inmate 1's mother should the authorities inquire. GONZALEZ asked Inmate 2 for suggestions about how to explain to the authorities how the telephone number of Inmate 1's mother got into her phone. Inmate 2 responded by stating, "how they got your number is a tough one, but if the conversations are quick and simple...if it was only one or two conversations you could say this lady got my number somehow," and make up some "bullshit." But Inmate 2 acknowledged that if there were a lot of conversations, that it would be hard "to get around." GONZALEZ agreed that it would be difficult to get around because she made the first call. GONZALEZ then expressed her desire to change her telephone number to avoid such telephone calls in the future. Gonzalez also contemplated whether it would be better to "milk them" for whatever she can or to simply walk away from the situation.

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<sup>6</sup> Telephone records confirm the existence telephone contact between GONZALEZ and Inmate 1's mother on January 5, 2013.

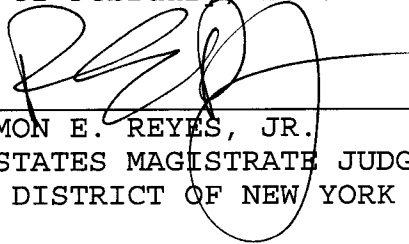
WHEREFORE, I respectfully request that an arrest warrant be issued so that the defendant NANCY GONZALEZ may be dealt with according to law.



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Omar Daza  
Special Agent  
Department of Justice, Office of  
Inspector General

Sworn to before me this  
5th day of February, 2013



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HON. RAMON E. REYES, JR.  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK