



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

OVERSIGHT ★ INTEGRITY ★ GUIDANCE



An Investigation of Alleged Misconduct by Former FBI Special Agent in Charge



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I. Introduction

[REDACTED], the Office of the Inspector General (OIG) received a referral from the Federal Bureau of Investigation (FBI) Inspection Division (INSD) concerning the conduct of then Special Agent in Charge (SAC) of the [REDACTED]. A female subordinate in the [REDACTED] (referred to herein as Female Subordinate 3 or FS3) filed a complaint against [REDACTED] in [REDACTED], alleging that [REDACTED] made multiple inappropriate comments to FS3 about boots she wore to work, including one such comment that [REDACTED] made in front of [REDACTED]. According to the complaint, [REDACTED] comments made FS3 uncomfortable, and FS3 changed her work attire as a result. FS3 also alleged that [REDACTED] made similar comments about wearing boots or high-heeled shoes to other female subordinates in the [REDACTED]. FS3's complaint stated that FS3 was concerned that [REDACTED] would retaliate against her for filing the complaint.

During the first week [REDACTED], INSD interviewed more than a dozen employees of the [REDACTED]. In these interviews, witnesses confirmed the allegations in the complaint and reported numerous other comments [REDACTED] made to other female subordinates, referred to below as FS4, FS5, FS6, FS7, and FS8. INSD also learned that in [REDACTED], [REDACTED] engaged in a sexual relationship with a female subordinate, FS8, which he did not report as the FBI's Personal Relationships Policy requires.

After conducting interviews [REDACTED], INSD referred this matter to the OIG for further investigation. Our investigation included a review of relevant documents, emails, text messages, and instant messages, including messages exchanged on personal cell phones between [REDACTED] and FS8, the female subordinate with whom [REDACTED] had a sexual relationship. As part of our investigation, we interviewed [REDACTED], 4 FBI employees who worked with [REDACTED] at FBI Headquarters prior to his selection as SAC of the [REDACTED], and 11 FBI employees who worked with [REDACTED] in the [REDACTED].

This report summarizes the OIG's factual findings and analysis of the sexual harassment claims against [REDACTED].¹ As detailed below, we found that over the course of several years, both while assigned to FBI Headquarters and during his tenure in the [REDACTED], [REDACTED] engaged in conduct that constituted sexual harassment consisting of: commenting on female subordinates' clothing, shoes, and bodies; repeatedly staring at female subordinates' breasts; and touching female subordinates without their consent. Multiple witnesses, both female and male, told the OIG that [REDACTED] conduct was "inappropriate" and "creepy." Female and male subordinates said they told [REDACTED] that his conduct was

¹ Unless otherwise noted, the OIG applies a preponderance of the evidence standard in determining whether Department of Justice personnel have committed misconduct. The Merit Systems Protection Board applies this same legal standard when reviewing a federal agency's decision to take adverse action against an employee based on such misconduct. See 5 U.S.C. § 7701(c)(1)(B); 5 C.F.R. § 1201.56(b)(1)(ii).

inappropriate, yet he persisted in making unwelcome sexual advances to female subordinates and engaging in other verbal or physical conduct of a sexual nature. We found that ██████ conduct created a hostile work environment, and that he repeatedly violated the Department's zero tolerance policy regarding sexual harassment.

We also learned during the course of our investigation that FS8 felt pressured by ██████ to engage in a sexual relationship.² We found that ██████ engaged in a sexual relationship with FS8 and, in so doing, violated the FBI's Personal Relationships Policy when he failed to report the relationship. Additionally, we concluded that ██████ behaved in a manner that did not meet the higher standard of conduct for supervisors set out in the FBI Ethics and Integrity Program Policy Directive and Policy Guide 0754DPG. We also found that ██████ retaliated against FS8 when she ended the relationship but refused to delete their text messages and WhatsApp communications. ██████ retaliatory conduct created an intimidating, hostile, and offensive work environment for the subordinate.

In his OIG interview, ██████ accounts of his conduct directed at female subordinates differed from the accounts of the witnesses, both male and female, who observed or experienced his behavior. In some cases, ██████ denied saying or doing things that multiple individuals witnessed. In other circumstances, ██████ attempted to explain away things he did or said, or shift responsibility by saying that his female subordinates misunderstood or misinterpreted their interactions with ██████. We did not find ██████ credible, and we concluded that his OIG testimony lacked candor.³

The OIG is providing a copy of this report to the FBI for disciplinary action it deems appropriate.

II. Department and FBI Policies

A. Sexual Harassment

Harassment on the basis of sex violates Section 703 of Title VII of the Civil Rights Act, 29 C.F.R. § 1604.11. The Department of Justice has a zero tolerance policy with respect to harassment, including sexual harassment, and has communicated "to its employees in the strongest terms its goal for a workplace free from sexual harassment and sexual misconduct."⁴ It is the Department's policy to

² The OIG provided relevant information about the relationship to the ██████

After reviewing the information, ██████ the office declined prosecution.

³ After reviewing a draft of this report, ██████ submitted a response to the OIG stating only that he "reiterates that he provided accurate and candid testimony to the best of his ability."

⁴ Lee J. Loftus, Assistant Attorney General for Administration, *Memorandum for Heads of Department Components, Sexual Harassment and Sexual Misconduct*, (hereinafter *DOJ Sexual Harassment Memorandum*) April 30, 2018 at 1, available at <https://www.justice.gov/jmd/page/file/1059401/download> (accessed February 28, 2020).

treat sexual harassment as misconduct, even if it does not rise to the level of harassment actionable under Title VII.

Under Department policy, sexual harassment “refers to unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment, whether such activity is carried out by a supervisor or by a co-worker.”⁵

FBI policy also expressly prohibits sexual harassment. FBI Policy Directive 1038D defines sexual harassment as:

a form of harassment based on sex...[that] is characterized by (1) unwelcome sexual advances; (2) requests for sexual favors; and (3) other verbal, nonverbal, or physical conduct of a sexual nature that is directed at an individual of the same or opposite sex when:

Submission to, or rejection of, this conduct by an individual is made a term or a condition of an individual's employment, either explicitly or implicitly...[or]

This conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

FBI Policy Directive 1038D further states that sexual harassment may include, but is not limited to:

- Oral or written comments of a sexual nature;
- Statements, jokes, or anecdotes with sexual content or innuendos;
- Sexual comments or gestures regarding an individual's body;
- Gestures that contain sexual innuendos or are sexually degrading in nature;
- Physical touching or the threat of physical contact;
- Display of posters, calendars, books, pictures, diagrams, or magazines with sexual content; and
- Persistent pressuring of an individual for a date or a sexual encounter.

FBI Policy Directive 1038D encourages FBI employees to report sexual harassment in the workplace to INSD for investigation. The FBI determines disciplinary action for sexual harassment on a case-by-case basis, based on the FBI Offense Codes and Penalty Guidelines governing the FBI's internal disciplinary process. Discipline may range from an oral reprimand to dismissal from the FBI.

⁵ DOJ Sexual Harassment Memorandum at 2.

B. Personal Relationships Policy, Policy Directive 0802D

The FBI Personal Relationships Policy is set forth in Policy Directive 0802D, dated August 14, 2015. This policy covers two types of relationships—romantic relationships and intimate relationships. A “romantic relationship” is defined as one that “ranges from occasional dating to plans to be married, or other social engagements between two individuals, but which does not include attendance at group social events if the parties do not relate to each other as a couple,” while an “intimate relationship” is defined as one that involves sexual contact. Policy Directive 0802D, §§ 15.2.2, 15.2.4.

The Personal Relationships Policy does not prohibit romantic or intimate relationships in the workplace, with the exception of relationships between a student and instructor, mentor and mentee, counselor and client, or supervisor and intern. See Policy Directive 0802D, § 11.1.1.5. However, employees must report the development of romantic or intimate relationships “with an employee with whom a supervisory relationship exists, so that management may determine whether remedial action, such as reassignment, is necessary to prevent interference with the FBI’s mission.” Policy Directive 0802D, § 11.1.2.2. The policy does not specify the time period within which employees who have begun a romantic or intimate relationship must report it.

The policy also prohibits employees who are involved in a romantic or intimate relationship from engaging in physical intimacies in government workspace or vehicles or while on duty. See Policy Directive 0802D, § 11.1.1.3.

Section 11.3.1 of the policy states that once a relationship has been reported, Division and Field Office heads must take proactive measures, such as reassignment of duties or employee transfer, that are necessary to mitigate any adverse consequences of a romantic or intimate relationship and advise the concerned parties about the proactive measures. Division and Field Office heads also should consult with the Office of General Counsel to ensure that any restrictions placed on the parties are reasonable in time and scope. See Policy Directive 0802D, § 11.3.2.

Despite the intended scope of this policy, the OIG cautions that romantic or intimate relationships between superiors and subordinates have the potential to create additional problems in the workplace beyond the concerns about favoritism and workplace morale described above. For example, the imbalance of power between superiors and subordinates could call into question the consensual nature of romantic or intimate relationships. In addition, a romantic or intimate relationship between a superior and subordinate that initially is, or appears to be, consensual could later result in a claim of sexual harassment if the relationship deteriorates.

C. FBI Ethics Guide

Similar to the FBI Personal Relationships Policy, the FBI Ethics and Integrity Program Policy Directive and Policy Guide (Ethics Guide) prohibits employees and

B. [REDACTED] Conduct as Section Chief [REDACTED]

Multiple witnesses from [REDACTED] tenure at [REDACTED] reported that [REDACTED] surrounded himself with female subordinates, and that he stared at them or touched them in a manner they considered inappropriate. A witness from the [REDACTED] stated that [REDACTED] tended to have a number of women visiting his office who were not directly within his chain of command, and that [REDACTED] employees referred to these women collectively as “[REDACTED] harem.” The OIG interviewed two female subordinates from [REDACTED] who personally experienced [REDACTED] behavior when he was a [REDACTED] Section Chief. The OIG also interviewed two other subordinate employees who witnessed [REDACTED] behavior and statements toward others in their office. These interviews, detailed below, established that [REDACTED] conduct in [REDACTED] violated the FBI’s sexual harassment policy.

Witnesses in [REDACTED] told the OIG that [REDACTED] was “a ladies man” who was “incapable of stopping himself” from behaving inappropriately with women. These witnesses also provided numerous examples of [REDACTED] making statements to and about female subordinates and engaging in conduct toward female subordinates in the office that witnesses considered inappropriate. When the OIG interviewed [REDACTED], he denied making statements to and about female subordinates and engaging in conduct that witnesses alleged. [REDACTED] called these allegations “ridiculous” and untrue. Below we describe the allegations female subordinates in [REDACTED] made, [REDACTED] response to those allegations, and the corroborating information we learned during the course of our investigation.

1. Female Subordinate 1

a. Female Subordinate 1’s Allegations

One of [REDACTED] female subordinates in [REDACTED] (referred to herein as Female Subordinate 1 or FS1) told the OIG that, while she was in [REDACTED], [REDACTED] “came across as a man who loved the ladies.” FS1 said that [REDACTED] commented on the clothes and shoes of women in the office, but that he was not the only man who did that. FS1 said that [REDACTED] once told her that his management approach was to compliment men on their capacity and accomplishments but compliment women on how they looked. FS1 also told the OIG that [REDACTED] liked to look at women’s legs as they walked down the hallway, and that [REDACTED] stared at FS1’s breasts. FS1 told the OIG that [REDACTED] was not the only male employee in [REDACTED] who acted in this way, and she characterized [REDACTED] as a “very toxic environment.”

FS1 told us about an interaction she had with [REDACTED] in [REDACTED] which was toward the beginning of the time they worked together in [REDACTED]. FS1 said that she was standing next to [REDACTED] in the hallway of their offices when he intentionally touched her finger with his finger. She said that she was “in shock,” there was “no way” that the contact was unintentional, and that she viewed it as “an invitation by him.” FS1 told the OIG that, following that incident, she had “a very blunt and honest conversation” with [REDACTED] to make it clear that [REDACTED]

██████████ and she was not “interested in him in that way.” She also said that she told ██████████ he was “letting your penis do the talking...it undermines me, [and] it undermines you.” However, she said that because ██████████ was her ██████████ supervisor, she knew that she would be required to work ██████████ with him, and “little by little” his behavior resumed. She said ██████████ continued to make it very clear that he wanted to have sex with her and “said [so] in several ways” over the course of the time they worked together.

FS1 told the OIG that ██████████ conduct toward her occurred long before the “me too” movement, and that if it had happened today, her decision about how to react would have been different. However, FS1 told the OIG that, at the time, she felt like her choices were either to “make it a huge deal, or...[be] stuck with” those types of overtures from ██████████ for the rest of her time in ██████████. FS1 said she did not feel like she could report ██████████ to the FBI because she thought that she “would not be taken seriously and...would have a mark against [her]” for the future. FS1 told the OIG that in the field office where she started her FBI career, she knew that multiple sexual harassment allegations had been raised regarding one male executive manager, but that the FBI did not take any action against the executive manager. In addition, she said the Deputy Assistant Director supervising ██████████ at the time was rumored to be having an affair with a female subordinate. FS1 said she thought that if she reported ██████████, the FBI’s reaction would be “he touched your pinky? He stares at your boobs?... Nothing would have happened to him for that.” FS1 told the OIG that she believed keeping her job depended on putting up with this behavior and that if she complained “more than likely [she] would get moved” instead of ██████████.

FS1 also said that ██████████ had “a vindictive nature,” and she was afraid of making him angry by rejecting his advances too bluntly. FS1 said that she thought if she made him mad, it would affect her performance rating and her standing in the office. FS1 told the OIG she tried to walk a “middle ground” by not reporting ██████████ but also trying to make clear to him where the line was—that his behavior was unacceptable, ██████████, and that she was not interested in having a sexual relationship with him. FS1 told the OIG that even though she tried to make the line clear, ██████████ kept trying to push the line further as time went on. FS1 said that, in the office, she began carrying a ruler to smack “his hands away from me.” She told us that he repeatedly tried to touch her legs and her breasts, but she would hit his hands away. FS1 also said that, on one occasion, ██████████ “spanked” her butt with his hand. FS1 also described a business trip she took with ██████████, during which he insisted she sit next to him on the plane. FS1 said that, for the entire cross country flight, ██████████ kept trying to put his hand on her knee, or on her leg, and it “was terrible.”

FS1 said that her interactions with ██████████ were complicated by the fact that she sometimes struggled at work, and that there were some really bad days in her unit. FS1 said that there were times when ██████████ gave her a hug or rubbed her shoulders as “human comfort” offered by a mentor or a friend, and FS1 thought those interactions were appropriate. However, she said there were other times that he gave her hugs when his hands went “too far down.” She told the OIG that her

relationship with ██████ never included sexual intercourse, but that “what he was doing was sexual harassment.”

FS1 told the OIG that when ██████ was selected as the SAC for ██████, FS1 warned ██████ that “people are not going to put up with it the same way they have in the past, so don’t do it.” FS1 also said she told ██████ that if she learned that he was “doing this in ██████ then [she would] be a full witness to what happened” at ██████. FS1 added that when she heard that ██████ SAC, her immediate thought was that “he is incapable of stopping himself” from sexually harassing women.

b. ██████ Account

We asked ██████ about his interactions with FS1. ██████ denied telling FS1 that his management approach was to compliment men on their capacity and accomplishments but compliment women on how they looked. ██████ also said that he did not remember touching FS1’s hand in the hallway of ██████ offices, and that he did not know if he had ever touched FS1’s hand. ██████ said that if FS1 had a conversation with someone in ██████ about ██████ and not being interested in sexual activity, it was not with him—“it must have been with someone else.” He denied spanking FS1 on the butt or trying to touch her legs or breasts. ██████ told the OIG that he was not sexually attracted to FS1. Although he remembered the business trip where FS1 sat next to him during the flight, ██████ said that the decision to sit next to each other was a mutual one “to be able to talk to each other” and that it was “not true” that he repeatedly tried to touch her legs. With respect to FS1’s statement that she warned ██████ not to sexually harass women when he became the SAC of the ██████, ██████ told the OIG that they “never had that conversation.” ██████ indicated to the OIG that there were people within ██████ who had an “axe to grind” with him, but he also said he did not have any information that FS1 was one of them. ██████ also could not identify any specific person in ██████ who had an “axe to grind” with him nor any specific reason someone would have to be angry with him.

c. Corroboration of Female Subordinate 1’s Allegations

We interviewed two employees who were also ██████ subordinates when FS1 worked in ██████. A male subordinate employee (referred to herein as Male Subordinate 1 or MS1) told the OIG that ██████ had a “flirty personality” and focused on women in meetings by leaning in towards them and looking at their breasts. According to MS1, ██████ “gravitated towards women [who] looked nice and [who] he found desirable.” MS1 said that ██████ would comment to MS1 about the breasts of female subordinates in ██████, especially those who were “very well endowed.” MS1 said that, based on his conversations with ██████, “that was a big thing for him—...boobs.” MS1 also said that ██████ confided in MS1, including through engaging in “locker room talk” with MS1 about women in ██████. MS1 said that he told ██████ that he needed to stop

commenting inappropriately on female coworkers or he would “get himself into trouble.” However, MS1 told the OIG he did “not take significant steps” to address [REDACTED] conduct, such as filing a report, “because he was my boss.”

MS1 told the OIG that [REDACTED] made comments about FS1 that “demonstrated interest in being around her.” He recalled times when FS1 and other women were in the office discussing work and [REDACTED] would abruptly end work conversation and ask personal questions of the women about their plans and careers. MS1 also said that, in meetings with attractive, young women, [REDACTED] had “kind of a shtick” in that [REDACTED] would “turn to them, focus on them a little more,...lean forward in his chair...[and] really pay attention” in a way [REDACTED] would not do with women he did not find attractive. During such interactions, MS1 said that [REDACTED] would turn in his chair to face the attractive woman, “put his elbows on his knees, lean forward, and talk a little bit differently.” MS1 also said that “a couple of times” during such meetings, MS1

would glance back...at [REDACTED] and [REDACTED] would be obviously...glancing down from [their] eyes to somewhere lower than the eyes...and I could see that he was moving his eyes up and down. Now whether he was specifically looking at their chest or not, I don’t know, [but] I would surmise that was exactly what he was doing.

MS1 said that [REDACTED] behaved in this way with women only and only with those women who he found attractive. MS1 also said that when a woman who [REDACTED] found attractive would leave the room, [REDACTED] would comment to MS1 about her breasts or make inappropriate gestures—such as simulating masturbation with a hand gesture.

MS1 told the OIG that he believes commenting on the appearance of women in the office is not appropriate behavior. MS1 believed that [REDACTED] viewed interacting with certain women in the office as a “benefit” and “a playful thing that he does.” He said that [REDACTED] complimented women he found attractive on their clothes, hair, and jewelry. MS1 said that [REDACTED] had a jovial personality, was “soft on his style,” and “never wanted to be the bad guy in the room”; and MS1 did not believe anyone in [REDACTED] had “an axe to grind” with [REDACTED]

The second corroborating employee we interviewed in [REDACTED] (referred to herein as Female Subordinate 10 or FS10) said that [REDACTED] was a man who “loved the ladies,” was “smooth” with women who he found attractive, and “was flirtatious.” FS10 told us that she also heard [REDACTED] compliment women on their jewelry and said that [REDACTED] would comment to one woman in particular about her lipstick when she came to visit the area where [REDACTED] worked. FS10 said that [REDACTED] like to watch women walking down the hallway outside [REDACTED] offices and had “wandering eyes.” She also heard the phrase [REDACTED] harem” around [REDACTED] but was not certain of how that phrase came to be. [REDACTED] also referred to FS10 as “my [FS10],” which she said was not offensive to her. FS10 said [REDACTED] “was loved as a manager” and was a “people pleaser” in [REDACTED] and said that she was not aware of anyone in [REDACTED] who “had an axe to grind” with him.

FS10 told the OIG that she saw [REDACTED] “flirt” with FS1. Specifically, [REDACTED] would stare at FS1 in meetings, place his hand on FS1’s shoulder before meetings, and on one occasion she saw [REDACTED] grab FS1’s hand at her desk. FS10 also said she heard [REDACTED] “say something fresh” about a low-cut blouse FS1 was wearing, to which FS1 replied “you better stop doing that.” When FS1 returned to work [REDACTED] would comment to FS10 about FS1 [REDACTED]

[REDACTED] On one occasion, [REDACTED] FS10 said she saw [REDACTED] gesture to his chest while looking at FS1’s chest, and [REDACTED] said “they’re sitting up today,” to which FS1 replied, “Will you stop it.”

2. Female Subordinate 2

a. Female Subordinate 2’s Allegations

Another [REDACTED] female subordinate (referred to herein as Female Subordinate 2 or FS2) told the OIG that, while [REDACTED] was in [REDACTED] he had a “very charismatic personality,” and that he “was congenial, town mayor, [and a] personable-type individual.” However, FS2 also said that [REDACTED] “was definitely very generous with comments on physical appearance,” “clearly liked high heels,” and “had wandering eyes.” FS2 told the OIG that she had seen [REDACTED] stare at FS1’s breasts. FS2 also said that if she wore a skirt to the office, [REDACTED] “definitely would give [her] the full up and down look” in the office, and she added that this type of behavior from [REDACTED] “would happen on a fairly regular basis.” FS2 also said that [REDACTED] sometimes referred to her as “my [FS2].”

FS2 provided us with documentation describing specific interactions she had with [REDACTED] in [REDACTED]. FS2 told us she created these notes within 2 weeks of the first interaction referenced in the notes. We asked the OIG’s Cyber Unit to review the metadata of the document FS2 provided to us to determine when it was created.⁷ The OIG’s Cyber Unit retrieved the metadata from the document and found the creation date to be [REDACTED], the date on which, as we discuss below, FS1 advised FS2 to keep written documentation.

FS2’s notes state that on [REDACTED], at approximately 4:00 p.m., FS2 went to meet with [REDACTED] about matters she was supervising. We reproduce an extended portion of the document because it provides significant details about that interaction, which FS2 recorded close in time to its occurrence. It states:

[REDACTED] invited me in his office and closed the door, which was common in his meetings with me and other individuals and I always assumed [it] was to protect sensitive conversations about personnel matters. I sat down on the couch in his office across from his desk,

⁷ Metadata is information attached to a text-based file that may not be visible on the face of the document. This information can include the document’s properties, which would identify the “creation” date or date that the document was created.

and he sat on the couch next to me. Again, I did not perceive this to be out of the ordinary as he often did this when I met with him, and I often observed him sitting on the couch with other colleagues and subordinates during meetings. However, during this meeting he sat much closer to me than usual, less than 1 foot away. He had his legs crossed toward me. I ignored this and began running through my list of updates on tasks for the day. During that time, I felt a touch on my knee which I observed to be his hand, which was resting on his crossed leg. At first I could not discern if this was intentional or simply due to his close proximity, but it persisted. I continued talking about business but moved my leg slightly to be further out of reach. Our conversation continued and I moved on to brief him on another topic, during which time he reached up and touched my hair near my ear. I asked him something to the effect of "Oh, do I have something in my hair?" His response was "No, you just have the cutest little ears" and tugged on my ear lobe. I said no, I don't, and rolled my eyes at which point he stopped touching my ear/hair and changed the subject. Our conversation continued for another 10-15 minutes, during which we spoke about my [future] job prospects and his potential selection as SAC. He stated that he knew I was under a lot of stress but that everything was going to work out. I thanked him for his support, looked at the time and indicated that I needed to leave [REDACTED]. He asked me several times "please don't go," and I said that I needed to, to which he eventually sighed and said okay. At that point we both stood up and he approached me to give me a hug. SC [REDACTED] is a known "hugger" so this in itself was not unusual. However, when he hugged me he also gave me a kiss on my cheek. We said our goodbyes and I hurried out of the office, mostly because I was in shock and still processing everything that had just happened, since I had never had an interaction of that nature with SC [REDACTED] or any other colleague, like that in my [REDACTED] years in the FBI.

FS2's notes state that when she arrived home that evening, she was "shaken and ended up crying [REDACTED]"

FS2 told the OIG that, in determining what to do about this incident, she considered whether to file a formal complaint. On the one hand, she said she felt "an inherent loyalty to [REDACTED] after working together [REDACTED]" because their working relationship had been "very positive...outside the scope of this isolated incident." FS2 also told the OIG that she felt she was in "a very...tenuous spot"

[REDACTED] She said she felt like "the stakes were very, very high... [REDACTED] and she was worried that filing a formal report "might rock the boat...and create some sort of retaliation on his part." Ultimately, FS2 decided to address the issue with [REDACTED] "one-on-one...rather than filing a formal complaint."

FS2's notes state that on the following [REDACTED], at approximately 9:15 a.m., FS2 asked to speak with [REDACTED] about their interaction

the previous Friday. According to her notes, FS2 told ██████████ that the level of physical contact that occurred between them made her really uncomfortable, and that "it crossed the line." FS2's notes state that ██████████ immediately said he was sorry and appeared very remorseful. These notes also describe how ██████████ visited FS2's office at approximately 3:00 p.m. that same day, to ask how she was doing, and reiterate that he was "really sorry." In addition, these notes describe a subsequent conversation between FS2 and FS1, which is discussed below.

FS2 told the OIG that speaking to ██████████ about his conduct changed the nature of her subsequent interactions with ██████████ and that ██████████ became "generally more distant...not unfriendly, but certainly more curt in our interactions." She added that ██████████ always left his office door open after that, and that she believed he was actively trying to take measures to make sure that she did not feel uncomfortable. Specifically, FS2 stated that "there was no more sitting next to me on the couch, or anything like that."

FS2 told the OIG that, at the time and to the present, she still has "a lot of different feelings going on in terms of the guilt, and the fear, and the confusion," and she believes "anger to a certain degree...as a result of the interaction" that day. She added that she "wanted to believe" that she was the only woman who he ever treated this way, and that she hoped by speaking to him directly it would deter him from similar behavior in the future.

b. ██████████ Account

We asked ██████████ whether he remembered this ██████████ meeting with FS2. ██████████ told the OIG that he could not remember the date, but that he remembered that, around the time FS2 was scheduled to leave ██████████, he "did hug her and tell her I was going to miss her." ██████████ described the hug as a "cheek to cheek hug." ██████████ denied that he pulled on her earlobe, touched her leg, or kissed her on the cheek. He also said that FS2 confronted him about it later, said it made her "a little uncomfortable," and that he apologized to her and said he did not "mean anything by it." ██████████ also told the OIG that being confronted by FS2 "took [him] aback a little bit; that she made it something that it wasn't." As indicated above, ██████████ told the OIG that there were people within ██████████ who had an "axe to grind" with him, but he said he did not think that FS2 was one of them.

c. Corroboration of Female Subordinate 2's Allegations

FS2's notes of her interaction with ██████████ on ██████████, state that, on ██████████, at approximately 3:00 p.m., FS2 told a female coworker, FS1, about FS2's ██████████ interaction with ██████████. According to FS2's notes, FS1 told FS2 about "multiple similar but more subtle physical interactions with ██████████ that FS1 had experienced. FS2's notes then state that FS1 advised FS2 "to keep written documentation of the incident for future reference in the event that additional incidents were noted from other colleagues."

During her OIG interview, FS1 told us that she remembered this discussion with FS2. FS1 told the OIG that, shortly before FS2 [REDACTED], FS2 asked FS1 to go have coffee. During their conversation, FS1 said that FS2 described how [REDACTED] "sat next to her on the sofa...[a]nd that he rubbed his finger...on the front of her leg." FS1 said that she "cried when [FS2] told [her] this because it was...like the same thing" FS1 had experienced in dealing with [REDACTED]. FS1 told the OIG that she "did not share with [FS2] everything that [FS1] had gone through" but did tell FS2 that "if [FS2] wanted to file a complaint, [FS1] would support her and [FS1] would be a witness for her." However, FS1 said that FS2 said that FS2 had already talked to [REDACTED] about the incident, that FS2 [REDACTED], and that FS2 did not want to deal with filing a report "and everything that comes with it." FS1 told the OIG she "totally understood [FS2's] decision making because it was the same calculus" that FS1 had already performed.

C. [REDACTED] Conduct as Special Agent in Charge [REDACTED]

During our investigation, the OIG reviewed multiple signed, sworn statements provided by employees of the [REDACTED] to INSD and interviewed current and former employees of the [REDACTED]. Through these interviews, we observed a pattern of inappropriate statements and conduct by [REDACTED] involving female employees in the [REDACTED]. [REDACTED] behavior included inappropriate comments and conduct involving female subordinates and inappropriate comments to other employees about female subordinates in the office.

Witnesses from the [REDACTED] told the OIG that [REDACTED] wanted to have attractive women working around him and engaging with him throughout the day. They described [REDACTED] as having "a type" and that was "the younger, smaller, attractive females in the office." A male subordinate from the [REDACTED] (referred to herein as MS2), who became a friend and confidant of [REDACTED], said that [REDACTED] would ask [REDACTED] what job applicants "looked like" before the applicants came in for interviews. MS2 told the OIG about one conversation during which [REDACTED] laughed when [REDACTED] asked about an applicant's appearance, and [REDACTED] said "no, seriously, is she attractive, do you have a picture of her?" MS2 told the OIG about another instance in which [REDACTED] encouraged [REDACTED] to interview someone [REDACTED] had met on LinkedIn because [REDACTED] said "she's got a good resume, and she's attractive, or 'hot' or whatever [word] he used, some term like that." MS2 said that he believed [REDACTED] only wanted attractive women to be hired for [REDACTED].

MS2 said that [REDACTED] would comment to MS2 and other men in the office about the appearance of female employees who [REDACTED] thought were attractive.⁸

⁸ MS2 also told the OIG that, before [REDACTED] arrived at the [REDACTED], MS2 had heard the "rumor" that [REDACTED] had a reputation for surrounding himself with women and "stories" about [REDACTED] staring at the breasts of a female subordinate. MS2 also said that, once he and

MS2 characterized [REDACTED] comments as “locker room talk.” For instance, MS2 remembered [REDACTED] mentioning one female subordinate’s shoes and two female subordinates’ butts. MS2 also described how [REDACTED] was very good at keeping eye contact and “masking” the fact that he was “sneaking a look” at the breasts of women he found attractive, which MS2 said was “very awkward.”

Witnesses also said that when [REDACTED] visited the squad areas of the [REDACTED], [REDACTED] would pay more attention to attractive female employees on the squads. MS2 used the word “linger” to describe [REDACTED] behavior, and he said that, when he saw [REDACTED] talking to attractive female employees in the squad areas, MS2 would usually talk to other people “because it was awkward.” MS2 also said that, starting in [REDACTED], for office gatherings like employee brunches, MS2 had been “trying to avoid public appearances” with [REDACTED]. MS2 told the OIG that [REDACTED] had been mentoring him professionally [REDACTED], but that others in the office had told MS2 that if [REDACTED] is acting this way, and MS2 is present, MS2 might be viewed as an active participant in that behavior. MS2 told that OIG that this comment “kind of resonated” with him, and that as a result he was trying to distance himself from [REDACTED] “one million percent.”

[REDACTED] denied these allegations. [REDACTED] told the OIG that he views himself as equally friendly with men and women in the office. When asked generally about the claims that had been made against him in the [REDACTED] [REDACTED] told the OIG that:

It’s extremely disappointing. It really is. Because I came into this job trying to do a good job and to make people feel important by doing their jobs. I never intended to sexually harass or make people feel uncomfortable. I think if you knew me, my family and friends would obviously disagree with that characterization because that’s not who I am. It’s not true, it’s an ugly, ugly laundry list of things that were said, and that’s really hurtful to me, and it really just disappoints me.

MS2 said that he frequently overheard [REDACTED] and [REDACTED] of the [REDACTED], who was female, engage in inappropriate sexual banter. For example, MS2 stated that [REDACTED] told [REDACTED] on several occasions, “I ride you like a cheap pony,” and [REDACTED] responded by saying something like “Yeah Daddy. I like that.” MS2 said that he interpreted these comments as sexual references, “the way [he] thought most people would” interpret them, and that hearing [REDACTED] and [REDACTED] talk to each other in this way made him “want to throw up.” MS2 also recalled a time when [REDACTED] was taking two young and attractive subordinates out of the office with him. According to MS2, [REDACTED] asked [REDACTED] if she was jealous, and [REDACTED] said something like not “as long as you come home for dinner and know where your turkey is carved.”

[REDACTED] became friends, [REDACTED] mentioned FS1, who had been a female subordinate of [REDACTED] in [REDACTED], and told MS2 that [REDACTED] found her attractive.

We asked [REDACTED] about the “cheap pony” remark, and he told the OIG that there was nothing sexual about this comment. He said that [REDACTED] was working hard to get things accomplished and meet deadlines [REDACTED] had set, and that the reference to being ridden “like a cheap pony” was “a horse racing term that goes way back.” [REDACTED] added that, in light of that context, he did not see anything wrong with making that type of a comment in the workplace. In addition to these inappropriate statements [REDACTED] made about and to women in the office, several female subordinates in the [REDACTED] made additional allegations about [REDACTED] statements and conduct. For each of the following allegations, we provide a detailed description of the allegation, [REDACTED] response to the allegation, and any corroborating information we learned during the course of our investigation.

1. Female Subordinate 3

a. Female Subordinate 3’s Allegations

The female subordinate (referred to herein as Female Subordinate 3 or FS3) who filed the [REDACTED] complaint against [REDACTED] said that, on three occasions between [REDACTED] [REDACTED] made comments about boots that FS3 was wearing. FS3 could not remember [REDACTED] exact words, but she said the comments were something like “I like your boots”; “you have your boots on”; and “you must have your boots on because you are at eye level.” FS3 said that these comments made her feel uncomfortable because they were focused on her appearance rather than on her work. FS3 said that [REDACTED] made one of these comments in the presence of [REDACTED]. FS3 added that it “had become a joke in the squad area that SAC [REDACTED] likes talking about [her] boots.” When [REDACTED] made a fourth such comment on [REDACTED] FS3 asked a supervisor, MS2, to discuss the issue with [REDACTED], and FS3 ultimately decided to file a complaint. FS3 told [REDACTED] [REDACTED] that she was “afraid of reprisal for coming forward” with her allegations.

b. [REDACTED] Account

[REDACTED] told the OIG that he did not remember saying that he liked FS3’s boots. Instead, he said there was an “ongoing joke that [he] thought was funny about her height” that was started by one of FS3’s female friends on a day when FS3 was not wearing high heels or boots. [REDACTED] said that, a couple of weeks later, FS3 had on some boots or some high heels that made her look taller, and he said “you’re tall today” and they had a good laugh. He said that “went on four or five times” with FS3. [REDACTED] said he did make that type of comment in front of [REDACTED], but that it was “not about the boots or the shoes in particular, it was about her height.” [REDACTED] added that he “never had any intention of sexual harassment whatsoever,” and that his comments were “just some banter” because he thought FS3 was a “little bit socially awkward and it was just to try to get her to open up a bit.” [REDACTED] added that he does not care about boots or shoes.

MS2 heard the comment [REDACTED] made to FS3 on [REDACTED], and he spoke with [REDACTED] about it that same day, at FS3's request. MS2 wrote a summary of the incident 2 days later. According to MS2's summary, MS2 told [REDACTED] that FS3 was uncomfortable with [REDACTED] continuous comments regarding her appearance and shoes. MS2's summary notes that [REDACTED] was remorseful and advised that he did not mean to make FS3 uncomfortable. [REDACTED] also stated he would never comment on FS3's appearance or shoes again and said that he would have "no further informal contact" with FS3.

The OIG asked [REDACTED] whether this summary accurately described his conversation with MS2. [REDACTED] told the OIG that he remembered telling MS2 that he did not want FS3 "to feel uncomfortable, [he] didn't mean anything by it, there is nothing to it." However, [REDACTED] told the OIG he did not remember saying he would have no further informal contact with FS3. Instead, according to [REDACTED] he said something like, "I'll make sure I have someone with me when I talk to her." [REDACTED] told the OIG he thought that would be important in the future because "obviously...she was taking something [that] I intended not to be any kind of sexual harassment, and she was twisting it to make it sound like sexual harassment," so he would want a witness for future interactions with FS3.

c. Corroboration of Female Subordinate 3's Allegations

Other witnesses corroborated FS3's account of her interactions with [REDACTED]. [REDACTED] said that [REDACTED] comments were about FS3's boots. He said that, to the best of his memory, the comment he heard [REDACTED] make was something like "oh, you're wearing your boots again." [REDACTED] described FS3's boots as tall, black, and "professional looking," but he said that [REDACTED] comments were "creepy and not complimentary." He added that it was "frustrating to see [REDACTED] being treated this way" at work, and that he was angry that [REDACTED] would comment on [REDACTED] appearance in front of him.

A male employee on FS3's squad told INSD he remembered hearing about [REDACTED] comments, and that he "understood them to have an undertone of a sexual nature." This male employee said that, as a result of [REDACTED] comments, he saw FS3 "upset and almost in tears" in the squad area. A female subordinate in the [REDACTED] (FS5 who is described below) told the OIG that she had heard [REDACTED] compliment FS3 on her clothing and hairstyle.

MS2 told the OIG that, before [REDACTED] he had heard about [REDACTED] comments about FS3's shoes, but that to him it had been "more like a running joke" on the squad. However, the incident on [REDACTED] was the first time MS2 was present for one of those comments. MS2 told the OIG that [REDACTED] usually had a higher pitch in his voice when talking to women in the office, and that [REDACTED] used that tone when speaking with FS3 on [REDACTED]. According to MS2, when he and [REDACTED] saw FS3, [REDACTED] said something to FS3 like "you look tall today," to which FS3 responded that she was wearing heels but they were not visible because her pants covered her shoes. MS2 told the OIG that he knows FS3 well, and when FS3 gets nervous, she laughs in a particular way.

MS2 said that he could tell by FS3's reaction that [REDACTED] comment made FS3 uncomfortable, enough to make MS2 concerned. MS2 said that this incident was one of many interactions with [REDACTED] in the office when MS2 felt uncomfortable.

Later that morning, MS2 spoke with FS3 about [REDACTED] comment. MS2 told the OIG that FS3 said it made her feel uncomfortable, and that MS2 offered to talk to [REDACTED] for her, which MS2 did at approximately noon that day. MS2 wrote a summary of the incident 2 days later. According to MS2's written summary, MS2 told [REDACTED] that FS3 was uncomfortable with [REDACTED] continuous comments concerning her appearance and shoes. The written summary also states that [REDACTED] was remorseful and said he would have no further informal contact with FS3. Because the OIG had already interviewed [REDACTED] when we interviewed MS2, we asked MS2 about [REDACTED] version of their discussion. Specifically, we asked MS2 whether [REDACTED] said that FS3 was twisting [REDACTED] comments, and he would want a witness when interacting with her in the future. MS2 told the OIG, "I do not remember him bringing that up at all. I do remember the [statement about] no informal contact." MS2's written summary of the incident supports MS2's recollection.

2. Female Subordinate 4

a. Female Subordinate 4's Allegations

Another female subordinate (referred to herein as Female Subordinate 4 or FS4) told INSD that [REDACTED] made her feel uncomfortable once when she was wearing boots. According to FS4, there was a brunch in the SAC conference room, and [REDACTED] was standing just outside the door in the hallway when FS4 was leaving the conference room. According to FS4, [REDACTED] told her that she looked tall, and she replied that she was wearing boots. FS4 said that [REDACTED] responded that he really liked her boots. FS4 said that, after a few minutes, she tried to leave the conversation with [REDACTED] but that when she walked away, [REDACTED] said something along the lines of "you look nice today, come back." FS4 said that when she walked back over to [REDACTED], he did not really have anything more to say. FS4 said that [REDACTED] also may have said that he liked her dress, which she would ordinarily consider a compliment, "but it was awkward because I don't really know him." FS4 said she did not know if this exchange with [REDACTED] was inappropriate, but that it made her "feel awkward."

b. [REDACTED] Account

We asked [REDACTED] about this interaction with FS4, but he said he did not remember it. [REDACTED] also told the OIG that he was not sexually attracted to FS4.⁹

⁹ MS2 said that [REDACTED] had mentioned to MS2, in passing, that [REDACTED] found FS4 attractive.

3. Female Subordinate 5

a. Female Subordinate 5's Allegations

Another female subordinate in [REDACTED] (referred to herein as Female Subordinate 5 or FS5) told the OIG that [REDACTED] behavior toward her was "overly friendly" in a way that she had "never experienced...with male supervisors before." FS5 said that [REDACTED] had a habit of commenting on her appearance. FS5 said that, at first, she attributed this behavior to [REDACTED] "being a [REDACTED] gentleman" because he is from [REDACTED]. FS5 told the OIG that [REDACTED] would say things to her such as:

- "You look very cute today. I love that color on you."
- "You should wear earrings; I love a woman wearing earrings."
- "Your hair looks nice today."
- "I like that scarf."
- "You look very pretty today."
- "You're my favorite."

FS5 said that, at first, [REDACTED] comments did not offend her, "but as time went on it got creepier and more uncomfortable." FS5 told the OIG that her job required frequent meetings with [REDACTED], and that when she was sitting in the chair in front of his desk, [REDACTED] would reach across the desk and try to touch, stroke, or hold her hands. FS5 said that she believed if she had reciprocated [REDACTED] affection, [REDACTED] would have pursued a sexual relationship with her. FS5 said that she knew [REDACTED] behavior was more than just flirting because of "the touching," "the look in his eyes" when he spoke to her, and the fact that he was "very affectionate."

FS5 also said that when [REDACTED] traveled, he would text her personal cell phone and make statements like:

- "You don't really care about me do you?"
- "Will you text me and check in with me to make sure I know you're thinking of me?"
- "Will you miss me when I'm gone? No you won't; you don't care about me."

FS5 told the OIG that [REDACTED] frequently called her "my [FS5]," and that [REDACTED] acted as if he had been betrayed if he thought FS5 was not exclusively "his." For example, FS5 said that she maintained a friendship with a former executive manager from the [REDACTED]. FS5 said that this friendship appeared to make [REDACTED] "insecure and jealous." FS5 said that [REDACTED] wrongly accused her of "leaking" information about the [REDACTED] to FBI Headquarters, questioned her loyalty, and told her "there were other positions in this building I can put you in if

you cannot be trusted.” FS5 said that she considered it to be “a hostile work environment having to deal with SAC [REDACTED] threats, harassment, and insecurities.”

b. [REDACTED] Account

[REDACTED] told the OIG that he did work closely with FS5, but he denied saying things like “I love a woman wearing earrings,” trying to hold FS5’s hands, saying “you don’t really care about me, do you?” or asking her to “check in...to make sure I know you’re thinking of me.” [REDACTED] denials were emphatic—“not at all” and “absolutely not.”

[REDACTED] said the text messages he sent to FS5 were in the context of official travel. He told the OIG that when he went on a business trip, she would text him to say “hey, did you make it okay?” and then I would text back “yep. Made it.” [REDACTED] said that, over time, these check-ins also occurred when he was leaving the office to go out somewhere, and he would text her to let her know his whereabouts. According to [REDACTED], their communications involved him texting “hey, I’m going, check on me, make sure I’m still alive,” and FS5 responding “okay, I will” and “did you make it?” [REDACTED] denied ever asking FS5 if she would miss him when he was gone. He also denied referring to FS5 as if she was “his.”

[REDACTED] also denied accusing FS5 of providing information to the former executive manager from the [REDACTED]. Instead, [REDACTED] said they “had a conversation about her communication” with her friend. [REDACTED] told the OIG he did not have any proof that FS5 was the source of the information that reached FBI Headquarters, and that it was “simply a concern” that he raised with FS5. In response, [REDACTED] said FS5 went and got her cell phone, over his objection, to demonstrate that she had not been sharing any office information. According to [REDACTED] he told FS5 she did not need to show him the text messages. [REDACTED] said he told FS5 “I know you are friends; I can’t tell you not to be friends but don’t talk about internal things in the office.” [REDACTED] told the OIG that FS5 kept saying “are we still good, I’m not going to be reassigned, am I?” and that [REDACTED] assured her “no, we’re good.”

4. Female Subordinate 6

a. Female Subordinate 6’s Allegations

Another female subordinate in the [REDACTED] (referred to herein as Female Subordinate 6 or FS6) told the OIG that [REDACTED] selected her for the [REDACTED]. FS6 said that she and another one of the female employees on the committee had not applied for their positions, but they were told [REDACTED] had selected them. After the first [REDACTED] meeting, FS6 said [REDACTED] asked her to stay behind because he had a question about one of her cases. FS6 said that [REDACTED] motioned for her to sit in the chair next to where he was sitting, asked her the question, and then started making small talk and “stroking [her] ego as if he was

mentoring" her. FS6 said that some of the small talk involved her appearance, in that [REDACTED] complimented FS6 on the color of her fingernails (even though FS6 recalled they were "painted a dark blue, nothing special"). FS6 also said that during the approximately 15 minutes they were talking alone in the conference room, [REDACTED] was leaning into her personal space and looking at her breasts. FS6 said that [REDACTED] was not sitting up straight in his chair, but he had his arm on the table and was hunched into his shoulder, so that his body was lowered, and his gaze was lowered, even though he was looking straight ahead. FS6 added that, while they were talking, she saw him do a "quick eye thing," meaning that any time she glanced at him, she "could tell the eye contact was coming back up." FS6 also said that [REDACTED] nods his head a lot, but it is a "very...dramatic nod, so that his eyes are going with his head, totally up and down, so it's less obvious unless you are paying attention" that he is looking at your breasts. FS6 said that during the conversation she was uncomfortable, felt singled out, and thought "I don't want to be here."

FS6 said that this incident was not the first time [REDACTED] looked at her inappropriately in the office. She said that when she would pass by [REDACTED] in the hallway, he would do "the head nodding" to look at her chest. FS6 recounted a time when she introduced a new [REDACTED] to [REDACTED] in the hallway. She said that [REDACTED] acknowledged [REDACTED] then turned away from him to look at her repeatedly "up and down." When [REDACTED] walked away, [REDACTED] said to her, "What the fuck was that about?" FS6 said it was embarrassing and demeaning to be looked at in that way in front of another law enforcement officer, who said to her afterwards, "That guy's a creep; he was staring at you; he was just gawking; it was uncomfortable; I don't think he heard a word that I said."

FS6 also said that, for over a year, [REDACTED] would make comments to her about transferring her to [REDACTED] which was located in a squad area close to [REDACTED] office. FS6 said that when [REDACTED] would remark about transferring her to [REDACTED] she would say "absolutely not, I don't want to go to [REDACTED]. In early [REDACTED], [REDACTED] asked FS6 about transferring to [REDACTED] but FS6 told [REDACTED] that she was very happy on her current squad. FS6 recalled a time when she went to visit a friend in [REDACTED] and [REDACTED] was there, and he said to her, "you look pretty good over here in [REDACTED]. Several days later, FS6's supervisor informed her that FS6 had been transferred to [REDACTED]. FS6 said that her supervisor was upset by the decision and did not have any say in the transfer. FS6 said her supervisor told her he had tried to keep her on the squad but said "the boss made the decision."

FS6 told the OIG that, the following day, [REDACTED] summoned FS6 to his office. According to FS6, she went to sit in a chair by his desk, but [REDACTED] motioned to the couch in his office while he pulled up a chair "right in front of her." FS6 said that [REDACTED] asked her if she was happy about the transfer, and he told her to be honest and speak freely. FS6 said she asked [REDACTED] if anything she said would change the outcome, and that [REDACTED] told her no. FS6 said [REDACTED] then told her that he was concerned she was going to say bad things about him because of the transfer. FS6 said [REDACTED] also encouraged FS6 to apply for [REDACTED], but FS6 said she wanted to continue

working as a case agent. ██████ told FS6 that being on the new squad would help her to transfer to the field office in her hometown, but FS6 said she told ██████ she was happy in the ██████. FS6 said ██████ continued flattering her, telling her what a good employee she was, and then he asked her if she wanted him to give her a new FBI vehicle. FS6 said she told him no. FS6 also said that every time she thought they were done talking she would start to get up to leave, but that ██████ would then start to say something new. FS6 said ██████ also would lean toward her while he was speaking, and that he became flushed red and physically agitated by her lack of response. FS6 said that the conversation lasted about 40-45 minutes before she was allowed to leave. FS6 said there was no reason for her to be in ██████ office that long, and "we had literally exhausted all random topics of conversation that we could possibly have." She also told the OIG that ██████ was "doing that same leaning in and over type thing" described above to stare at her breasts during their conversation. FS6 said that following the meeting, she returned to her squad area and told her supervisor about the meeting with ██████

FS6 said she later learned that she was not transferred to ██████ because ██████ was understaffed or because there was an opening. Rather, FS6 said that she learned she had been transferred onto ██████ to take the place of a male employee who ██████ did not like and who ██████ had transferred off the ██████. FS6 said the ASAC and her supervisor both told her they disagreed with the squad transfer. FS6 said she asked the male agent who was transferred to her squad if he met with ██████ and he said he was not called to ██████ office to discuss the transfer, asked about his feelings regarding the transfer, or offered a new FBI vehicle.

The day after FS6's meeting with ██████, the ██████ held its second meeting, which FS6 and ██████ both attended. FS6 said that ██████ "called on" her during the meeting to voice her opinions, and she felt like he was "antagonizing her" in front of everyone. The following day, FS6 was packing up her desk when ██████ walked into her squad area. After attempting to engage her in conversation, to which she gave only short responses, he turned to another agent and said, "[FS6] can't even stand to talk to me anymore."

FS6 said that every encounter she had with ██████ was uncomfortable or awkward as he would "position himself in a way that he could stare without making it super-obvious." She noted that she never witnessed ██████ stop and talk to male agents in the hallway as he did with her, and she could not understand why "he took a liking" to her. FS6 said she believed he was sexually attracted to her because of the "staring and gawking." FS6 also believed that he had an ulterior motive for putting her on ██████ which was to have "better access" to her. FS6 said ██████ behavior to and around her was "creepy."

b. ██████ Account

██████ told the OIG that the ██████ ASACs chose the individuals selected for the ██████, and that it was a "group decision." ██████ denied staring at the breasts of women during the meetings, and

although he did recall asking FS6 to stay after the meeting ended to discuss a case, he did not recall commenting on her nail polish color.

██████████ told the OIG that he met with the ██████████ ASACs about transferring an agent to ██████████, and they originally selected a male agent for the transfer. However, when that agent received transfer orders to leave the ██████████, ██████████ and the ASACs selected FS6 to transfer to ██████████. ██████████ acknowledged that the supervisors of FS6's squad and ██████████ did not request FS6 be transferred from her current assignment. He said that he did recall meeting with FS6 to get her to "buy in on the transfer" to her new squad. ██████████ said FS6 told him on multiple occasions that she did not want to transfer to ██████████. ██████████ told the OIG that he tried to "build her up" because she was disappointed about leaving her squad, and he offered her a new FBI vehicle to "appease some of the sadness that she had about changing squads." ██████████ said he did sit on a chair in front of the couch, but he denied that he tried to keep FS6 in his office. ██████████ claimed that FS6 kept talking, and he said he told FS5 when FS6 left his office that "[FS6] wouldn't stop talking." ██████████ said he did not call the agent who he transferred to FS6's squad to replace her into his office or offer him a new FBI vehicle because that agent wanted to transfer squads. ██████████ also told the OIG he did not state that "[FS6] can't stand to talk to me anymore" in ██████████ squad area following FS6's transfer. He also said he was not sexually attracted to FS6.

c. Corroboration of Female Subordinate 6's Allegations

According to one of the two ██████████ ASACs, MS2, and FS5, ██████████ "handpicked" the employees he wanted on the ██████████ which was comprised of a few men and four young, attractive female employees, including FS6 and FS7. MS2 said that he was present for a meeting during which ██████████ discussed employees for the ██████████ and MS2 said that ██████████ selected "people [who] he liked," which included attractive females. MS2 stated that ██████████ was "super giddy" and "overly flirty" around the women on the ██████████. ██████████ who the OIG interviewed agreed that "sometimes it seemed like ██████████ was giddy" when female members of his team were all there, and he was not like that around men in the office.

██████████ who FS6 referenced in an encounter she had with ██████████ in the hallway confirmed FS6's version of events. ██████████ told the OIG that ██████████ barely acknowledged him and "was so into talking with [FS6]" that it "was like I was not even there." ██████████ said that ██████████ was staring at FS6 during the conversation, and it was a "little odd" and "creepy." He said he found the whole encounter strange and remarked to FS6 about it when they walked away from ██████████.

FS5 said that every time ██████████ would see FS6 in the hallway, ██████████ would stop FS6 and "try to make conversation, such as asking about her [pet]." MS2 said that ██████████ was sexually attracted to FS6 and said to MS2, "maybe I'll go for [FS6].... I think [FS6] should be mine." MS2 also said that he remembered

██████████ walking out of the squad area where FS6 was and, as he was walking out, said to MS2, "Geez, you should have seen the way her boobs looked in that shirt."

FS5 also said that, on at least two occasions, ██████████ commented that FS6 should be transferred to ██████████ which is located on a hallway within view of the front office because ██████████ said FS6 "looked good walking down that hall." Another Male Subordinate (Male Subordinate 3 or MS3) also recalled hearing ██████████ "kind of yelling down the hallway, 'you look good walking out of the ██████████ to FS6. One of the ██████████ told the OIG that there were discussions about moving an agent from FS6's squad to ██████████; and, initially, they selected another agent. He said that with retirements and transfers, ██████████ most experienced agent would soon only have 3-4 years in the FBI, and they wanted more experience on the squad. ██████████ told the OIG that ██████████ suggested FS6, who had ██████████ of experience as an FBI agent, and there were not a lot of agents on FS6's current squad with the necessary experience to transfer to ██████████. He also said that he was aware ██████████ met with FS6 alone to discuss the transfer, but he did not suggest ██████████ meet with FS6 and thought it "was a little odd." ██████████ told the OIG that it "was a possibility" that the reason FS6 was transferred to ██████████ was so that ██████████ could have more access to her and see her more often; however, that was never discussed at management meetings, and his recollection was that her transfer was on the basis of needing an experienced investigator on ██████████. MS2 said he did not believe that FS6 was transferred so that ██████████ could have more access to her, but he knew ██████████ was attracted to FS6.

FS6's supervisor told the OIG that following the meeting FS6 had with ██████████ FS6 returned to her squad area and told him what happened during the meeting. Her supervisor said FS6 told him the meeting was "long" and "awkward," and "she felt strange about it." FS6 told him that ██████████ offered her a new vehicle and offered to transfer a friend of hers who worked in the ██████████ ██████████ to ██████████ to work with FS6. According to her supervisor, FS6 also said that, although she knew of several agents who had transferred squads, she did not know of any other agent who was called for a meeting into ██████████ office to discuss the transfer.

5. Female Subordinate 7

a. Female Subordinate 7's Allegations

Another female subordinate (referred to herein as Female Subordinate 7 or FS7) told the OIG about her interactions with ██████████. FS7 told the OIG that ██████████ would refer to her as "girlfriend" during office conversations, but she did not interpret that comment "to mean girlfriend in the sense of a dating relationship." FS7 also said that ██████████ would walk around the office saying "[FS7] is my favorite." FS7 said that these types of comments stopped when ██████████ told ██████████ to stop calling FS7 his girlfriend and told ██████████ those comments were not helping FS7.

FS7 also said that, on approximately three occasions in [REDACTED] [REDACTED] touched or played with her hair. FS7 said that one such incident occurred in an FBI vehicle on the way to a meeting. [REDACTED] asked FS7 to sit in the passenger seat, and he asked MS2 to drive. FS7 told INSD that [REDACTED] said to her something like "sit in the front so that I can play with that beautiful hair." FS7 said that, on the way to the meeting, [REDACTED] sat behind FS7 and touched FS7's hair, saying something like "your hair is so perfect, it's so pretty." FS7 said she responded by saying something like "it better be for how much I pay my hairdresser." FS7 said this incident made her feel "awkward and weird." FS7 told the OIG that MS2 saw [REDACTED] touch her hair in the car, and he asked her later if she was okay and whether she wanted him to say something to [REDACTED]. FS7 told the OIG that she appreciated MS2 acknowledging that [REDACTED] conduct was not okay, but she told MS2 that she would handle it.

FS7 said that the second time [REDACTED] touched her hair was similar to the first time—during a car ride with [REDACTED] and MS2. FS7 told the OIG that to deal with the situation she "ended up kind of leaning forward to...pretend that [she] was getting something from [her] purse."

FS7 told the OIG that [REDACTED] touched her hair again in [REDACTED] while they were standing in line to get food during an office party. FS7 said that, when [REDACTED] touched her hair, she said something like "boss, you have to stop touching my hair." FS7 said that instance was the last time that [REDACTED] touched her hair.

FS7 also told the OIG about an [REDACTED] overnight business trip involving [REDACTED], FS7, and MS2. FS7 said that, during the trip, [REDACTED], FS7, and MS2 went to dinner at a restaurant and then went to a bar. FS7 said that, at the bar, she noticed [REDACTED] was becoming intoxicated, and FS7 stopped drinking. FS7 recalled that [REDACTED] started leaning closer into her personal space and saying things like "oh, you're so beautiful, you're so perfect." FS7 told the OIG that she tried to deflect those comments by saying "nobody's perfect." FS7 also said that, at one point, [REDACTED] got up to use the bathroom, and FS7 thought [REDACTED] smelled her hair as he walked past her. FS7 said that although she could not see [REDACTED] as he walked behind her, she could tell that he "was incredibly close,...closer than he needed to be to walk to the bathroom." FS7 said that, soon thereafter, FS7, MS2 and [REDACTED] agreed it was time to leave for the night. FS7 said that when they all went back to the hotel together, FS7 somehow signaled to MS2 that she did not want to be left alone with [REDACTED]. FS7 said she told MS2 something like "I'm going to avoid the boss knowing where I'm staying," and MS2 responded like "yep, you got it." FS7 said they all rode the hotel elevator together, and [REDACTED] got off first at his floor. FS7 said she then rode the elevator with MS2 to the floor where MS2 was staying, after which FS7 rode alone in the elevator to her floor.

FS7 told the OIG that she did not report [REDACTED] behavior because all of her work required SAC approval, [REDACTED], and she wanted to be successful in the office. FS7 also said she worked closely enough with [REDACTED] to observe "his reactions to things, [and] he was relatively vindictive."

FS7 told the OIG that although [REDACTED] behavior was “gross and creepy,” she continued to perform her day to day tasks while “waiting for the right moment to handle it.” According to FS7, that moment arrived one day when [REDACTED] asked FS7 why she did not wear shorts to work. FS7 told the OIG that she responded by saying something like “because that would be inappropriate, and also boss, hashtag me too.”¹⁰

FS7 told the OIG that she considered the statement about wearing shorts to work to be the most egregious thing [REDACTED] had said to her because it was not “veiled in what most people could consider a compliment” as were his other comments. When she told him “hashtag me too, boss,” she said [REDACTED] response was to try to suggest he did not mean anything by the comment. FS7 added that she might have said it like she was joking, “but he got the message.” After she responded with the “hashtag me too” comment, FS7 said that she “seemed to have less direct interactions” with [REDACTED], and that there was not “anything that hovered the line after that for sure.”

b. [REDACTED] Account

[REDACTED] told the OIG that he did refer to FS7 as “girlfriend” in the office, but he told the OIG that it was important to “understand the context.” [REDACTED] said that [REDACTED] that’s something that [his] mother used to say when referring to a young woman.” [REDACTED] said that if FS7 was talking about calling FBI Headquarters and giving someone a piece of her mind, [REDACTED] would tell her, “Uh, uh you better back up girl” or “you better back up girlfriend” to calm her down. He said the reference to “girlfriend” was not “in the sense of you’re my girlfriend, or I want you to be my girlfriend.” When asked whether he wanted FS7 to be his girlfriend, [REDACTED] told the OIG, “No, not at all.” [REDACTED] told the OIG that he thought of FS7 “like a sister.”

[REDACTED] told the OIG that he did not play with FS7’s hair, but that he could remember “at least two occasions where her hair had static electricity in it.” [REDACTED] said that he put his hand behind FS7, and he “raised her hair up higher, and then...pushed it down real quick, like a magic trick.” According to [REDACTED] they both “had a good laugh about it.” [REDACTED] added that “in no way was it meant to be sexual harassment, and I don’t think she took it that way.”

[REDACTED] denied telling FS7 to sit in the front seat of the FBI vehicle so that he could “play with that beautiful hair.” He also denied telling FS7 “your hair is so perfect, it’s so pretty.” When asked how he would respond if he learned that both of the other passengers in the vehicle told the OIG he made these comments, [REDACTED] responded, “I may have said something about her hair, but I certainly didn’t say those [things] in that context. I don’t know what they heard or what they think they heard.” [REDACTED] also said he did not remember FS7 moving forward in the seat to create distance between her and [REDACTED] [REDACTED] told

¹⁰ “Hashtag Me Too” or “#MeToo” refers to a movement against sexual harassment and sexual assault. The phrase “Me Too” denotes a female who has been the victim of sexual harassment or sexual assault.

the OIG that the incident in line at an office party, during which FS7 allegedly told him to stop touching her hair, "did not happen." [REDACTED] added that "these things...[are] blatant lies you've been told."

We asked [REDACTED] about the overnight business trip in [REDACTED] with FS7 and MS2. [REDACTED] told the OIG that he, FS7 and MS2 went to a bar. [REDACTED] said he had 3 or 4 drinks that night and had "a buzz" but was not intoxicated. When we asked whether [REDACTED] told FS7 that she was beautiful and perfect, he responded that he made those comments because FS7 was intoxicated or buzzing, and she was sad [REDACTED]. [REDACTED] told the OIG that FS7 said she was unattractive, [REDACTED] and that her mom and dad were disappointed. [REDACTED] said that, in that context, he told her "you are a very attractive young lady; [REDACTED]; don't be down on yourself." [REDACTED] said he did not recall leaning in toward FS7, and that he did not lean over to smell her hair on the way to the bathroom. [REDACTED] told the OIG he did not remember being close enough to FS7 to be described as "creepy," and he added that "[w]e had a good time; we were all laughing; and nobody looked like they were creeped out." [REDACTED] also said he was not aware that FS7 made sure that MS2 did not leave her alone with [REDACTED] when they returned to the hotel.

We also asked [REDACTED] whether he had asked FS7 about wearing shorts to work. [REDACTED] admitted this conversation occurred, but he told the OIG that his comment was in response to a topic on a radio station concerning the dress code at Google. According to [REDACTED], he said to FS7, "Wouldn't it be interesting if the government switched to a dress code with tank tops and shorts; do you think we would be more productive, more effective, and more efficient?" [REDACTED] told the OIG that FS7 responded, "Probably not because of this me too movement that's going on."

[REDACTED] told the OIG that the version of the story FS7 told the OIG was "totally mischaracterized" and "not what was said." [REDACTED] added that, at the time, he talked to MS2 about FS7's "me too" comment. According to [REDACTED] he told MS2, "I can't believe she...twisted that like that" and "took this thing to the 'me too' level." [REDACTED] said he told MS2 that [REDACTED] was "going to be a little more careful around [FS7] because...she's...sensitive like that," and that in the future he would "be careful not to say things that [are] going to offend her."

c. Corroboration of Female Subordinate 7's Allegations

MS2 told the OIG that [REDACTED] would call FS7 "girlfriend" in front of others in the office, but that it was "'hey girlfriend' like a hello." MS2 said that the majority of the employees in the front office heard [REDACTED] refer to FS7 in that way. MS2 said he thought it was a term of endearment, consistent with [REDACTED] being "a flirty guy."

MS2 told the OIG that he remembered seeing [REDACTED] touch FS7's hair during a trip, and that it occurred in [REDACTED] in an FBI vehicle. MS2 said that initially he thought that [REDACTED] was "being a gentleman" by giving FS7 the front

passenger seat. However, MS2 said that, while he was driving ██████████ and FS7 to the meeting, out of his peripheral vision he saw ██████████ playing with FS7's hair. MS2 said what he saw was "like a stroke" and that ██████████ touched her hair "with his finger...and then he did it again, and...he almost smiled." MS2 told the OIG he thought "it was weird" that ██████████ "was playing with her hair." MS2 said he then noticed that FS7 moved her seat up to create some distance in the car between her and ██████████. We asked MS2 if ██████████ said anything about FS7's hair being beautiful or perfect, and MS2 said he had definitely heard ██████████ say "your hair's perfect"; "you're so perfect"; and "why are you so perfect, girlfriend" on a number of occasions. MS2 said that he did not recall completely, but that the same type of thing "definitely could have been said" during the car ride.

We asked MS2 whether FS7's hair had static electricity and whether ██████████ was using his hand to raise and lower it "like a magic trick." MS2 told the OIG that is "not what I saw." MS2 said that "it almost looked like he was combing her hair with his finger," and that it was weird enough that MS2 thought he should say something to FS7. MS2 said he later spoke to FS7 to ask if she was okay and to ask whether FS7 wanted MS2 to tell any of the other managers of the ██████████. MS2 said that FS7 told him that she thought it was creepy, but that she could handle it and did not want it reported because FS7 was ██████████. MS2 also said that FS7 told him that ██████████ had played with her hair more than once, and that it might have happened another time when MS2 was driving, but that MS2 did not see it.

MS2 also said that he remembered the overnight business trip in ██████████. MS2 said there was not anything strange about going out to dinner or a bar on a business trip, and that he had done that with other people in the office on other trips. However, MS2 said that ██████████ had "a lot" to drink at the bar, and he became "overly intoxicated," so much so that ██████████ "legitimately fell down on the walk back to the hotel" at the end of the night. MS2 said that, at the bar, ██████████ was "very flirty and creepy, just with his mannerisms" toward FS7. MS2 told the OIG that the way ██████████ looked at FS7 is not how someone would look at his sister. In fact, MS2 said that he knew ██████████ was attracted to FS7 because ██████████ had said that directly to MS2.¹¹ MS2 told the OIG he definitely heard ██████████ say "you're so perfect; why are you so perfect." MS2 said he did not hear ██████████ tell FS7 she was beautiful, but that MS2 would not be surprised if ██████████ said that, based on the way ██████████ was acting that night. MS2 told the OIG he did not remember FS7 saying anything about ██████████, or disappointing her parents. MS2 added that FS7 is one of his friends, but that FS7 "is super private about that kind of thing." MS2 told the OIG he does not remember those topics coming up that evening. MS2 said that ██████████ was leaning over toward FS7, and it was "creepy" how close ██████████ was to her. MS2 also said that, although he could not be one hundred

¹¹ MS2 also said that FS7 was one of the two female subordinates in the ██████████ whose butt ██████████ had commented about to MS2.

percent certain, he thought [REDACTED] did lean in to smell FS7's hair when [REDACTED] got up to go to the bathroom.

MS2 told the OIG that when they all returned to the hotel lobby that night, there was a separate elevator that MS2 could have taken, which would have put him closer to his room. But MS2 said that when FS7 and [REDACTED] approached the other elevator, FS7 motioned to MS2 and said something like "come in here, come in here." MS2 told the OIG he understood immediately that she did not want to be alone with [REDACTED]. MS2 said "[i]t made perfect sense to me. And I went right over to the elevator. He was that drunk." MS2 said that FS7 did not go to her floor right away, but instead she came up to MS2's floor to make sure [REDACTED] was not following her; then she went back down to her floor. MS2 said that this whole incident was "alarming," and when he spoke with FS7 the next day, she told him that [REDACTED] is "fucking creepy."

MS2 told the OIG that [REDACTED] and FS7 both told MS2 about their conversation concerning wearing shorts to work. MS2 told the OIG that FS7's version of the conversation was that [REDACTED] said something to the effect of "hey, why don't you ever wear shorts," and FS7 said "hashtag me too boss." MS2 said that FS7's reaction was "can you believe this...guy?" MS2 said that in [REDACTED] version of the story, [REDACTED] said something like "would you wear shorts if you were allowed to" and FS7 said "hashtag me too." MS2 said that [REDACTED] reaction to FS7's comment was, "I can't believe she was offended by that, and I'm going to start distancing myself" from her. MS2 also said that [REDACTED] was "offended by her saying that to him." MS2 said that he did not remember [REDACTED] talking about Google, and efficiencies at work, as [REDACTED] claimed to the OIG, and MS2 suggested to the OIG that [REDACTED] was probably "covering himself" by saying that.

D. [REDACTED] Unreported Sexual Relationship with a Female Subordinate and Retaliatory Actions Against that Subordinate

1. Female Subordinate 8's Allegations

While interviewing witnesses, INSD also learned that [REDACTED] had a sexual relationship with a female subordinate in the [REDACTED] (referred to herein as Female Subordinate 8 or FS8). FS8 stated that, starting in approximately [REDACTED] [REDACTED] began paying special attention to her. FS8 said that, at first, she thought that [REDACTED] was acting like a "fatherly figure," but then he began making advances toward FS8. FS8 recalled one meeting with [REDACTED] during which [REDACTED] was staring at her; but FS8 could not be sure whether he was staring at her breasts or at the necklace she was wearing. FS8 told the OIG that, soon thereafter, [REDACTED] began saying things to her like "I like you" and "I would like to kiss you." FS8 said that when [REDACTED] made these comments, she "didn't know what to do." She said she knew [REDACTED] and she was not physically attracted to him; but he was in a powerful position, and she worried about what he would do if she did not respond to his advances. She told the OIG that when he would say those things she would "nervously laugh." As time went on, FS8 said [REDACTED] told her that he was falling for her, that he wished he could marry her,

that they should have a baby together, and asked her to have sex with him in the conference room of [REDACTED], which she refused to do.

According to FS8, [REDACTED], [REDACTED] asked FS8 for her personal cell phone number, after which [REDACTED] and FS8 began texting one another using their personal devices. In early [REDACTED] [REDACTED] asked FS8 to go to lunch with him. FS8 said that [REDACTED] drove them from [REDACTED] to lunch in his FBI vehicle, and he rested his hand on her leg as he drove. FS8 said that she did not know what to do. According to FS8, during lunch [REDACTED] asked FS8 if she "was a spy," which FS8 understood to mean that [REDACTED] wanted to know whether she was "going to tell on him." FS8 also said that [REDACTED] told FS8 that [REDACTED] was going to be out of town for a week. FS8 said that [REDACTED] invited her over to "Netflix and chill," which she understood to mean have sex.¹² FS8 said she responded by laughing nervously, and that [REDACTED] said something like he was going to let that go for now.

Later that afternoon, [REDACTED] texted FS8 on her personal cell phone to ask whether she had WhatsApp on her personal cell phone. FS8 initially responded "isn't that for criminals? Lol," to which [REDACTED] replied, "Maybe. Or people trying to hide something. Lol." FS8 then wrote, "Lol oh... I never used it before. But I can download it." [REDACTED] responded, "Me neither. But do it." Thereafter, [REDACTED] and FS8 used WhatsApp to communicate. The OIG reviewed these WhatsApp messages, which FS8 provided to INSD.

On [REDACTED], [REDACTED] texted FS8 on WhatsApp to announce that he was "just hanging at the house all alone. [REDACTED] Later that evening, [REDACTED] invited FS8 to his home, and he sent FS8 his home address through WhatsApp. FS8 told the OIG that although she did not want to go to [REDACTED] home, she "didn't want to upset him not to go over there." FS8 said she was interested in a friendship with [REDACTED] but "wasn't okay at the time with anything else." She ultimately went to his home because, by this time, she "was in it too deep," and if she said no or made him feel like his advances were not welcome anymore, she would not be successful in her position at work any longer or it would "really hurt my support from executive management."

FS8 said that when she went over to [REDACTED] house, she was "hoping to control the situation." FS8 said that, at [REDACTED] house, they started watching a movie, and [REDACTED] started kissing her, and they engaged in a sexual act. FS8 said that she had witnessed several people in the [REDACTED] who were "pushed out" of the FBI on behalf of [REDACTED] and was afraid that if she refused [REDACTED] advances she might not get fired, but she too would be "pushed out."

FS8 said that [REDACTED] subsequently asked her to come over again [REDACTED], and that their relationship became a mutual relationship. However, FS8 also said that, looking back, she feels as though he was only saying the right things to her in the moment to get what he wanted. Shortly after the first

¹² The phrase "Netflix and chill" is sometimes used as a euphemism for engaging in casual sex.

time she went to his house, they engaged in a sexual act at his house again. According to FS8, afterward, ██████ told FS8 that if she said anything or reported it, it would be bad for her.

Thereafter, FS8 stated that she and ██████ engaged in sexual acts a few other times, including in her home, but that FS8 refused to engage in sexual acts with ██████ in the conference room of the ██████ or in ██████ FBI vehicle, even though ██████ asked. In addition, ██████ asked FS8 in WhatsApp texts to take inappropriate photos of herself when she was alone or "you might just have to take the picture when you're [on] top [of] me." FS8 said that she never took inappropriate photos but would send ██████ pictures of her face from her social media accounts when he asked for pictures. FS8 said that she felt like ██████ "used and pressured" her, and that she never should have been put in such a position. FS8 also said that she felt like she had to say whatever she had to say "to keep ██████ happy and not upset him." During this time, FS8 said that ██████ was supportive of FS8's work in ██████.

FS8 said that, after a month or two, she told ██████ that she was not having fun anymore, and she thought they should stop the sexual aspect of their relationship. FS8 said that ██████ initially reacted by saying that he did not want to stop. FS8 said ██████ then said if she wanted to end it, they could. FS8 said she told ██████ she wanted it to stop, but that he did not take it well. According to FS8, ██████ response was "okay, if that's what you want." FS8 said that ██████ asked her to delete their communications, but she refused, which she said made ██████ "very unhappy." Because she refused to delete the records of their communications, FS8 said that ██████ began treating FS8 very poorly within the work environment. FS8 said that at one point, she went to lunch with ██████ FS7, and MS2 because she "wanted to try to fix the situation at work." FS8 said that, when they were walking into the restaurant, ██████ whispered in her ear, "I want to eat it," which she understood to mean that he wanted to perform oral sex on her. FS8 said she did not think that FS7 or MS2 heard what ██████ said.

FS8 also said that, after the lunch described above, ██████ began to shun FS8 and began to make advances toward FS7 (who, as described above, ██████ made sexual advances toward during an ██████ overnight business trip). FS8 said that ██████ asked her whether his new attention toward FS7 made FS8 jealous. FS8 also said that ██████ told her he wanted to have a threesome with FS8 and FS7, which she understood to mean having sexual intercourse with ██████ and FS7. FS8 said that FS7 was allowed to attend work events and meetings that FS8 was not allowed to attend, and that FS7 ██████ ██████. FS8 said that she wanted to file a complaint, but that she was afraid that she would be retaliated against. FS8 also said that, in ██████, ██████ to mention he was friends with an Assistant Director of the FBI, and FS8 said she did not know if that "was a threat." FS8 said that, as a result of everything that happened, she was ██████. She said ██████ working within the ██████ "had become untenable." FS8 said that she felt like ██████ had "abused his

powers" to have a personal relationship with her and then tried to "destroy her career." FS8 showed us a text that she sent to [REDACTED] on [REDACTED] which read:

What you did to me was unforgiveable, uncalled for, and just straight out wrong. Was using me not good enough for you. You had to go and...push me out and put my job under a microscope too.... Do you know or aware of what you're putting me through. What did I do to deserve any of this! I have been nothing but good to you. I trusted you on a personal and a professional level and you disappointed me on both levels. It's a shame.

[REDACTED] did not substantively respond by text to this message.

2. [REDACTED] Account

[REDACTED] told the OIG that he had a consensual sexual relationship with FS8. He said that their flirtation started one day when he ran into FS8 in a hallway at the office and he asked her about her weekend. According to [REDACTED], FS8 told him she was bored and did not have anything to do [REDACTED]. [REDACTED] said he told FS8 that there [REDACTED]. [REDACTED] told the OIG that because he was from [REDACTED] and had spent most of his time in the [REDACTED], he interpreted that conversation "as an initial flirt" and said he was a "little surprised by it."¹³

[REDACTED] said that, thereafter, FS8 started coming into his office, after hours or when his assistant was not there, to talk to him. [REDACTED] told the OIG that he did not recall "ever staring at her more than [he] would look at anybody else," and that he liked that she was motivated, energetic, and a hard worker. [REDACTED] denied ever staring at her breasts in a meeting, and he said that he did not "consciously remember staring at anyone's breasts" during any meetings. When asked whether he was physically attracted to FS8, he told the OIG, "Yeah, I guess, to some degree." [REDACTED] said he may have told FS8 that he wanted to kiss her, and that he was falling for her, but he denied saying that he wished he could marry her or that they should have a baby together. [REDACTED] told the OIG he definitely did not ask FS8 to have sex in the conference room of the [REDACTED] because there is a "chance of getting caught, and it just seems so tacky."

¹³ We asked FS8 about this conversation with [REDACTED]. She said she thought this conversation occurred in the [REDACTED], and that [REDACTED] asked her [REDACTED] was going in [REDACTED]. FS8 told the OIG that she responded that she "wasn't able to find a [REDACTED] so I wasn't going to settle. And I was looking for a [REDACTED] and that wasn't going to happen in [REDACTED]" FS8 said she meant this comment to indicate [REDACTED]. She also said she was not "sure where that question was coming from, what angle." She added that, at the time of this conversation, she "wasn't sure" why [REDACTED] was paying attention to her, but that, at the time, she was not physically attracted to him at all.

██████████ said he asked FS8 for her personal cell phone number because he felt like they should use their personal cell phones to communicate. He also said he remembered inviting FS8 to lunch in ██████████, but he did not remember the date. ██████████ said he remembered putting his hand on FS8's knee while he was driving to lunch. He said that was the first time he had ever touched her, and that he did it because she was "playing with my fingers." He said he did not remember asking her if she was "a spy." ██████████ also said that he invited FS8 over to his house, ██████████, to "Netflix and chill" because he understood that to be a "colloquial term" that was an invitation for sex; but he told the OIG that he "really thought it would just be watch a movie, as corny as that sounds."

██████████ said that when FS8 came over that evening, they turned on a movie, started kissing on the couch, and "that led to other physical activity." When asked whether he started kissing her, or whether she started kissing him, he said "it just seemed like it was mutual." According to ██████████,

She was saying "oh, I don't know if we should be doing this, oh, my gosh, I feel so bad," and I said "yeah, you know, you're right, I do too" and then we'd stop; and then we'd start again...and then we ended up doing the act.

██████████ told the OIG that

there was never really, to my mind, any hesitation from her. She came over...certainly not under any duress and certainly not about her job. She came over, and we had a mutual attraction, and we did the act.

He added that not only was their relationship consensual from the beginning, but that he "felt like she had initiated [it]...with the flirting and coming by my office. I felt like she was the more aggressive one in it, and then yes I did participate in it."

██████████ told the OIG that he did not indicate to FS8, verbally or any other way, that her job was dependent on their relationship. ██████████ added that any such characterization is "very unfair." ██████████ told the OIG that he really does not remember how many times they engaged in sexual activity, that he "get[s] confused" when he thinks about it, and that he has "really tried to put all this behind [him]."

██████████ told the OIG that he never told FS8 that if she reported their relationship it would be "bad for her." ██████████ was adamant that "those words did not come out of my mouth." Instead, he said he told FS8 "don't tell anybody about this, I could get into a lot of trouble. I knew former executives, a former SAC who had done something similar...[who] got into a lot of trouble; so just, keep this between us." He said he told her if she did tell anyone "it could destroy me. It would wreck my career ██████████"

██████████ told the OIG that he did not report his relationship with FS8 because he was not aware that the FBI had a personal relationships policy, the relationship with FS8 was "over so quickly," and that "within a month or two...[he] just wanted it to all go away."

We asked ██████████ about some of the WhatsApp communications that he exchanged with FS8 in ██████████ after their relationship began, but before it ended. In the WhatsApp messages, ██████████ appeared to be angered by the thought that FS8 might be spending time with other men. For example, between ██████████ and ██████████ ██████████ conveyed the following to FS8 via WhatsApp:

- he was "not happy" about FS8 "being out with...boys,"
- he did not want FS8 to "let [boys] flirt" with her,
- he worried whether she was at the pool "with dudes?" when she said she was alone,
- he complained that she did not "just stay home and chill,"
- he accused her of being a "cheater" when she told him she "didn't do anything. I promised you," and
- he asked her to "pause the dating scene until this [meaning their sexual relationship] runs its course."

██████████ told the OIG that he wrote these WhatsApp messages as "more of an act to her, to show her that I cared. You know I didn't really care. I actually hoped that she would find somebody and go move off and be with them."

According to ██████████, the decision to end his relationship with FS8 "was mutually agreed." He said it ended because

I think she had an ██████████ or something [that] she wanted to pursue and...I shared with her that I can't do this because I can get in a lot of trouble and because I don't want to risk ██████████.

██████████ said that he felt remorse about the relationship "from a leadership standpoint and more personally ██████████"

██████████ added that, as their relationship went on, he "started to have a lot of concerns about [FS8] ██████████." He characterized FS8 as "a young lady with a lot of problems," and said he "didn't know that when this thing started." In ██████████ opinion, as their relationship developed, FS8 began showing some ██████████ ██████████ told the OIG ██████████, but that his thoughts on this were "just based on [his] experiences."

██████████ said that, when their relationship ended, he asked FS8 to delete their text messages and WhatsApp communications from her personal cell phone, but that she would not. He said that she did not tell him why she would not delete

their communications, but she just looked at him with "this blank stare which you know scared me a little bit." ██████ said he was "scared of getting in trouble, ██████, scared of losing my career." However, ██████ told the OIG that he did not take any actions against FS8 as a result of that fear. We asked ██████ whether, after FS8 ended their relationship, ██████ told ██████ to "crush" FS8. ██████ stated "that's not something that would come out of my mouth. I wouldn't crush any employee, relationship or not."

██████ told the OIG that FS8's work performance began to suffer ██████ after FS8 ██████ ██████ said that FS8 had been a "very diligent, hardworking employee," ██████ ██████ also told the OIG that he and others within the office "talked about how she changed."

3. Corroboration of Female Subordinate 8's Allegations

Testimony from one of FS8's coworkers from the ██████ (referred to herein as Female Subordinate 9 or FS9) corroborated FS8's account of her relationship with ██████, and testimony from numerous witnesses, including MS2, FS7, FS5, and FS9, corroborated FS8's allegation that ██████ retaliated against her. FS9 told the OIG that she worked very closely with FS8, that they were "close personal friends."

According to FS9, in approximately ██████, FS9 became suspicious of ██████ behavior toward FS8. FS9 said that, at first, ██████ attention "seemed innocent in nature and part of his ██████ charm." FS9 said that ██████ was "always looking to engage in conversation with [FS8], and it seemed very friendly" but made FS9 feel "suspicious and alert." FS9 said ██████ would "follow [FS8] around like a puppy. If we were at any type of meeting, or some type of gathering where literally all of the employees were there, if [FS8] left the room, he would leave the room following after her, literally like a puppy." FS9 also said that she remembered attending a meeting where ██████ was "just so focused on [FS8]." FS9 told the OIG that, during this meeting, she thought she saw him looking at FS8's breasts. FS9 said that she cautioned FS8 that ██████ might be interested in FS8 "in more than a professional manner." FS9 said that FS8 responded, "It's probably like a fatherly thing. It's not bad; it can't be that." FS9 told the OIG that she "never heard ██████ say anything sexually inappropriate," but she felt that the attention he paid to FS8 was inappropriate because it became "very excessive." FS9 told the OIG that other women in the office noticed this attention.

FS9 said that during the ██████, she noticed that FS8 ██████ ██████ FS9 told the OIG that, in their conversations, she kept pushing FS8 to tell her what was going on because FS9 thought something was wrong. FS9 said that eventually FS8 told FS9 about what had happened with ██████

FS9 told the OIG that she thought FS8 was “severely lonely in [REDACTED] and that [REDACTED] “preyed on that vulnerability.” FS9 said that FS8 told her [REDACTED] was initially “trying to be supportive—‘are you okay,’ ‘let’s go to lunch,’ ‘let’s get a drink’—trying to be that caring nurturing support system for her, and then it quickly turned wrong. And it became very sexual in nature; he was definitely trying to establish a relationship with her.” FS9 said that FS8 told her that FS8 and [REDACTED]

went out for a meal, and after the meal he wanted to go back to her place, and she said I don’t know. But he pressured her and she took him back to her place. And when they got into the apartment, he made advances at her; and she told him no, and he did not listen, and they had sexual intercourse. She said that it was over very quickly, and as soon as it was over he threatened her. He said, I am an SAC; I am best friends with an AD; I will destroy you; do not say anything; and then he left.

FS9 added that she thought FS8 was “still in a denial phase” and has “trouble understanding” what happened. FS9 said her opinion, based on what FS8 told her, was that the encounter “was not consensual.” FS9 added that she thought FS8 liked the support and attention she received from [REDACTED] prior to the sexual intercourse. But FS9 said she thought [REDACTED] “was just a skilled predator; that’s how I see it. I think he preyed on her vulnerability, 100%.”

MS2 told the OIG that he was unaware that [REDACTED] and FS8 had a sexual relationship. However, MS2 said that [REDACTED] told MS2 that he thought FS8 “was attractive, [REDACTED]...but he liked that. He used to joke about how he likes [REDACTED] girls—he finds it thrilling or something.” MS2 also told the OIG that [REDACTED] once used the phrase “I pee’d on that” as a way of saying he had “claimed” FS8 for himself. In the context of that conversation, MS2 said that [REDACTED] also said he had “pee’d on” FS7, but [REDACTED] told MS2 that MS2 could pursue any other women in the office.¹⁴ MS2 said that, although he interpreted these comments simply “as macho bravado fantasy,” MS2 heeded [REDACTED] warning as an [REDACTED] WhatsApp exchange between FS8 and [REDACTED] demonstrates. In that text message exchange, FS8 asked [REDACTED] why MS2 “was scared to talk to me around you today,” and [REDACTED] replied, “I told him [FS7] and [another female subordinate] are fair game. I mean he knows I like you and he shouldn’t mess with you.”

¹⁴ We asked [REDACTED] about his use of the phrase “pee’d on” when referring to FS7 and FS8. [REDACTED] told the OIG: “I don’t know what that means; I’ve never said I pee’d on anyone.” [REDACTED] also denied telling MS2 that MS2 could pursue any other women in the office. We asked MS2 about [REDACTED] statement that he never used that phrase and does not know what it means, to which MS2 responded: “That’s a lie.” MS2 added that when [REDACTED] said MS2 could pursue any other women in the office, it made MS2 feel “like a sleaze ball...[that] he would think I would try to do that.”

MS2 also told the OIG that in [REDACTED] he heard [REDACTED] tell [REDACTED] to "crush" FS8.¹⁵ MS2 said that he had never heard [REDACTED] use that phrase before. However, MS2 told the OIG that those within [REDACTED]

circle of trust...[are] very aware that when someone is perceived to cross him or gets on his bad side for whatever reason, he would crush them.... If you were on his bad side, you were out. [He was] very vindictive.

MS2 gave the OIG the names of three other [REDACTED] employees who had been treated that way, but he said the complete list is likely much longer.¹⁶

MS2 told the OIG that, 1 week later, [REDACTED] brought FS8 into MS2's office. MS2 said that they were arguing, and that it "felt like a relationship fight." One of the things MS2 recalled FS8 saying was how unhappy she was about how she was being treated at work. MS2 said [REDACTED] responded that he was not responsible. MS2 told the OIG that [REDACTED] "for sure lied to her, without a doubt" because MS2 had been present when [REDACTED] told [REDACTED] to "crush" FS8. MS2 said that, after FS8 left, [REDACTED] told MS2 that FS8 was [REDACTED]

MS2 also said that, a couple of days after this argument, he went out to lunch with [REDACTED], FS7, and FS8. MS2 described the lunch as "awkward." He added that "everyone at the table was acting as if they understood it was awkward," yet none of them except MS2 knew that [REDACTED] had directed [REDACTED] to "crush" FS8. MS2 did not hear [REDACTED] make any sexual comments to FS8, but MS2 said that, at the lunch, [REDACTED] made a "joke" about pitting FS7 against FS8. After this lunch, MS2 said that FS8 was "still being targeted" and that, [REDACTED], the way it was handled was unprofessional and improper.

FS5 told the OIG that FS8 "seemed to have a direct line to SAC [REDACTED] at one point...but all of a sudden SAC [REDACTED] started calling [FS8] [REDACTED] and wouldn't have anything to do with her." FS5 related one example of [REDACTED]

¹⁵ The WhatsApp messages between FS8 and [REDACTED] indicate that [REDACTED] mistreatment of FS8 in the office likely predated [REDACTED] "crush" FS8 comment. The sexual relationship between [REDACTED] and FS8 appears to have ended on or about [REDACTED], when FS8 stated in a WhatsApp conversation that she and [REDACTED] were "just friends now" and wondered whether it would be "weird seeing each other" in the office. By [REDACTED], FS8 used WhatsApp to tell [REDACTED]:

I never thought you would treat me this way. And I never thought you would talk bad about me. I feel soooo used. I am just really angry and confused about why you are acting this way. I feel like you're using your position/power to create an unpleasant environment, which it's making it difficult for me to do my job. I haven't done anything wrong. I kept all of my promise[s] to you, why haven't you! I want things to go back to the old ways before we made a mistake. I have to work with you in order for my job to be successful. I need your full support. Avoiding me just shows you only wanted sex.

¹⁶ The OIG is conducting a separate investigation into these and other allegations that will be addressed in a subsequent report.

calling FS8 [REDACTED]" On that occasion, she saw FS8 walk down the hall, and then [REDACTED] called after FS8 to ask where she was going. Thereafter, FS5 said that she saw [REDACTED] and FS8 have a conversation, after which [REDACTED] walked back down the hall and told FS5 that FS8 was [REDACTED] had grabbed him to talk, and would not stop talking to him. FS5 said that [REDACTED] statements were strange because FS5 had seen [REDACTED] initiate the conversation with FS8, not the other way around.

FS7 also noticed that FS8 was having a difficult time in the [REDACTED] during the [REDACTED]. FS7 told the OIG that, from her point of view, FS8 "certainly had a very hard time...especially [the] last couple of months." FS7 also remembered [REDACTED] telling her during [REDACTED] that he thought FS8 was [REDACTED]," and he believed FS8 [REDACTED]. FS7 told the OIG that although she did not want to insert herself into whatever was going on, it was hard to see FS8 "visibly upset at work and going through a hard time."

According to FS9, when FS8 ended the sexual relationship with [REDACTED] FS8 said things quickly became very difficult for FS8 in the [REDACTED]. FS9 told the OIG that there was a "very old pattern" in the [REDACTED] of executive management making working conditions so difficult for certain employees that they would leave the office. FS9 said that "no one ever comes forward and speaks up because nothing ever happens in [REDACTED] to make the situation better.

IV. Analysis

We determined that [REDACTED] sexually harassed multiple female subordinates both during his tenure at FBI Headquarters and while SAC in the FBI's [REDACTED] and, in so doing, created a hostile work environment, in violation of the Department of Justice Sexual Harassment Policy and FBI Policy Directive 1038D. [REDACTED] also violated FBI Personal Relationships Directive 0802D by failing to report an intimate relationship with a female subordinate and violated the FBI Ethics Guide. In addition, we found that [REDACTED] lacked candor in his OIG interview, which violated FBI Offense Code 2.6 (Lack of Candor Under Oath). We discuss these conclusions below.

A. Sexual Harassment

Under Department policy, sexual harassment "refers to unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment, whether such activity is carried out by a supervisor or by a co-worker."¹⁷ In addition, FBI policy provides specific examples of prohibited sexual harassment, which include oral or written comments of a sexual nature; statements, jokes, or anecdotes with sexual content or innuendos; sexual comments or gestures regarding an individual's body;

¹⁷ DOJ Sexual Harassment Memorandum at 2.

gestures that contain sexual innuendos or are sexually degrading in nature; and physical touching or the threat of physical contact. We found [REDACTED] conduct while in [REDACTED] and in the [REDACTED] violated both the DOJ and FBI policies prohibiting sexual harassment.

Our investigation revealed that [REDACTED] repeatedly engaged in conduct constituting sexual harassment, victimizing numerous female subordinates. This conduct included behaviors of escalating severity, including altering the pitch of his voice when speaking to those women he found attractive; directing comments at those female subordinates about their clothing, hair, and jewelry; engaging female subordinates in idle conversations to increase the time he could spend with them alone; shifting his body posture and head angle to stare at their breasts and bodies in a manner that was calculated to evade detection; touching female subordinates on their fingers, hands, legs, ears, or hair; and arranging for female subordinates he found attractive to be on a committee with him or assigned to a work area close to him in order to increase his contact with and access to them.

1. Unwelcome Conduct

We found credible the testimony of the many witnesses in this matter who described specific instances of [REDACTED] unwelcome remarks about their appearance, efforts to stare at their breasts, attempts to touch their bodies, and other verbal, nonverbal, and physical conduct of a sexual nature. As described above in sections III.B.1.c., III.B.2.c., III.C.1.c., III.C.4.c., III.C.5.c., and III.D.3., we found corroborating evidence for several of the incidents [REDACTED] female subordinates described. Further, we found the statements of the female subordinates and other witnesses more compelling than [REDACTED] explanations. We also believe that the record as a whole further substantiates the individual witness accounts because so many of the stories are so similar.

FS1 provided numerous examples from [REDACTED] tenure [REDACTED] including a plane trip for official business, when [REDACTED] persistently touched or attempted to touch her, even after she indicated both verbally and physically that his actions were not welcome. FS2 documented how, during a briefing about matters she was supervising, [REDACTED] sat on the couch next to FS2, touched her knee, tugged on her earlobe, and ultimately hugged her and kissed her cheek as she attempted to leave his office. MS1, one of [REDACTED] male subordinates from [REDACTED] confirmed hearing and seeing [REDACTED] engaging in sexual comments on a repeated basis and, disturbingly, gesturing to MS1 as if [REDACTED] was masturbating when an attractive woman left the room. Although FS1, FS2 and MS1 separately confronted [REDACTED] about his behavior, and FS1 warned [REDACTED] not to engage in the same conduct when he became the SAC [REDACTED], [REDACTED] improper conduct persisted.

While the SAC [REDACTED], [REDACTED] continued to engage in conduct that violated Department and FBI policy, including through unwanted comments about the physical appearance of FS3, FS4, and FS5; inappropriate staring at FS6 in the hallway and during meetings; uninvited touching of FS5's hands and FS7's hair;

and unwelcome sexual advances toward FS8, leading to sexual encounters FS8 said she did not really want but believed she could not refuse.

We believe the excuses ██████ offered to his female subordinates for his conduct—that he was a “█████ gentleman,” simply being friendly, or did not “mean anything” by his behavior—were designed to minimize his female subordinates’ reactions. Whenever a female subordinate responded negatively to ██████ unwanted attention, he then sought to reframe their interaction as one in which the female was too easily offended. We were not persuaded. ██████ repeated comments on the appearance of his female subordinates was not unknowing, innocent behavior, but rather an intentional aspect of the tone he set in the workplace. In fact, FS1 told the OIG that ██████ told her his management approach was to compliment men on their capacity and accomplishments, but compliment women on how they looked. We concluded that ██████ other behaviors—casual touching, leaning in close, and sneaking looks—were calculated to be plausibly deniable, but that the remainder of the record in this case, viewed as a whole, can be interpreted in only one way—█████ engaged in intentional conduct, over the course of years, to pursue sexual contact with his female subordinates.

2. Hostile Work Environment

We also concluded that ██████ conduct toward his female subordinates created a hostile work environment. Although the Department has a zero tolerance policy for sexual harassment, meaning that the Department will “treat harassing conduct as misconduct, even if it does not rise to the level of harassment actionable under Title VII of the Civil Rights Act of 1964,”¹⁸ the policy does not define what constitutes a hostile work environment. However, the U.S. Supreme Court’s explanation as to what types of conduct create a hostile work environment under Title VII and what standards courts must use in analyzing such claims is instructive. The U.S. Supreme Court has held that a “hostile work environment” is not created by casual comments or “ordinary socializing,” “flirtation,” or “horseplay” simply because sensitive persons may be offended. *Oncale v. Sundowner Offshore Servs., Inc.*, 523 U.S. 75, 81 (1998). On the other hand, the offending conduct need not reach the level of being unendurable, intolerable, or so severe that the conduct drives the victim from the workplace or affects the victim’s mental or physical health. *Harris v. Forklift Sys., Inc.*, 510 U.S. 17, 22-23 (1993). To be actionable under Title VII, the harassment “must be sufficiently severe or pervasive to alter the conditions of [the victim’s] employment and create an abusive working environment.” *Meritor Sav. Bank, FSB v. Vinson*, 477 U.S. 57, 67 (1986)(internal quotation marks omitted). Moreover, the Supreme Court has cautioned that:

The real social impact of workplace behavior often depends on a constellation of surrounding circumstances, expectations, and relationships which are not fully captured by a simple recitation of the words used or the physical acts performed. Common sense, and an

¹⁸ DOJ Policy Memorandum #2015-04, entitled “Prevention of Harassment in the Workplace.”

appropriate sensitivity to social context, will enable courts and juries to distinguish between simple teasing or roughhousing...and conduct which a reasonable person in the plaintiff's position would find severely hostile or abusive.

Oncale, 523 U.S. at 81-82. To determine whether an environment is "hostile" or "abusive" requires consideration of all the facts and circumstances. The U.S. Supreme Court has stated that these may include the frequency of the discriminatory conduct; its severity; whether it is physically threatening or humiliating, or a mere offensive utterance; and whether it unreasonably interferes with an employee's work performance. *Harris*, 510 U.S. at 23. In addition, the conduct must be objectively offensive, and the complainant must subjectively believe it to be offensive. In other words, the environment must be "reasonably be perceived, and is perceived, as hostile or abusive." *Harris*, 510 U.S. at 22.

Department and FBI policies do not require a "pattern of offensive conduct to emerge before addressing claims of harassment."¹⁹ Instead, it is the Department's policy to "act before the harassing conduct is so pervasive and offensive as to constitute a hostile environment."²⁰ In this case, we found that [REDACTED] conduct was pervasive and offensive, and that it constituted a clear pattern of offensive conduct. [REDACTED] sexual comments, contrived encounters, and unsolicited touching of multiple female subordinates were frequent, pervasive, and severe. His method of isolating female subordinates so that he could look at and touch them was intimidating, physically threatening, offensive, and humiliating. [REDACTED] conduct required multiple subordinates, male and female, to endure instances they described as "creepy," "uncomfortable," "gross" and "awkward" as a condition of simply interacting with their boss. Moreover, [REDACTED] behavior also wrongly suggested to the men he supervised that such conduct on their part would be tolerated and, in fact, encouraged.

FS1, who [REDACTED] spanked on the butt on one occasion, told the OIG that, while working in [REDACTED], she began carrying a ruler "to smack [REDACTED] hands away" when he repeatedly tried to touch her legs and her breasts. FS2 was so upset by her interaction with [REDACTED] in his office, during which he touched her leg, pulled on her earlobe, and kissed her on the cheek, that she was "shaken and ended up crying in front of [REDACTED]." MS1 also said that [REDACTED] behavior toward him in [REDACTED] commenting on the breasts of coworkers and making lewd gestures when women would leave the room, was inappropriate and made him uncomfortable.

Likewise, in [REDACTED], FS3, FS4, and FS5 said that [REDACTED] comments about their appearance made them feel awkward and uncomfortable at work. FS3 told the OIG that she changed her work attire as a result. [REDACTED] who heard one of [REDACTED] comments about FS3, described it as "creepy and not complimentary." The comment not only affected the conditions of

¹⁹ DOJ Policy Memorandum #2015-04, entitled "Prevention of Harassment in the Workplace."

²⁰ *Id.*

FS3's work, but also upset ██████████, who told the OIG that it was "frustrating to see ██████████ being treated this way," and that ██████████ comments angered him.

FS6 described multiple occasions when ██████████ attention to her, in private and public, was "creepy" and inappropriate. Specifically, ██████████ would create situations, such as asking her to remain alone after a meeting, or asking her to meet in his office, during which he would stare at her breasts or comment on her appearance. The courts have found that a male supervisor regularly staring at a female worker's breasts can make the environment hostile to her. See *Billings v. Town of Grafton*, 515 F.3d 39, 51 (1st Cir. 2008). In our investigation, we found that ██████████ regularly engaged in this behavior. In fact, as MS1 and FS6 described, ██████████ had a specific way of positioning his body, when interacting with attractive female subordinates, so that he could stare at their breasts without being too obvious.

FS5, FS7, and FS8 also each endured unwanted touching in addition to inappropriate comments from ██████████. FS5 said that during meetings, ██████████ would reach across the desk and try to touch, stroke, or hold her hands. FS5 told the OIG that as time went on it got "creepier and more uncomfortable." FS7 said that ██████████ behavior toward her, including touching and playing with her hair on multiple occasions, was "gross and creepy," and that she ultimately responded to a comment about wearing shorts to the office by telling ██████████ hashtag me too."

The statements of these numerous witnesses establish that they found ██████████ conduct subjectively severe and pervasive. Although there is no mathematically precise test to determine the point at which offensive, unprofessional, or boorish incidents cross the line and create an objectively hostile environment, see *Harris*, 510 U.S. at 22, we have no difficulty concluding, based on the totality of this record, that ██████████ actions far exceeded "ordinary socializing," "flirtation," or "horseplay." See *Oncale*, 523 U.S. at 81. Any reasonable person would be forced to conclude, as we have, that ██████████ conduct created a hostile work environment.

██████████ creation of a hostile work environment was particularly evident, and severe, with respect to FS8. FS8 and FS9 told the OIG that they initially interpreted ██████████ attention toward FS8 as "fatherly," "innocent," and "part of his ██████████ charm." FS8 said that when ██████████ stared at her in a meeting and began saying things like "I like you" and "I would like to kiss you," she did not know what to do. ██████████ conduct quickly escalated to touching FS8's leg and inviting FS8 to his home ██████████ (conduct that ██████████ does not deny).²¹ We likewise believe FS8's statement that she feared making ██████████ upset or angry because doing so could adversely affect his support for her work,

²¹ Indeed, it is this precise concern that has previously led the OIG to observe that the imbalance of power between supervisors and subordinates raises questions about the consensual nature of such romantic or intimate relationships. DOJ OIG, *Management Advisory Memorandum of Concerns Identified in the Handling of Supervisor-Subordinate Relationships Across DOJ Components* (March 11, 2020) at p. 4.

and it could ultimately lead to her being “pushed out” of [REDACTED] which she said she had witnessed with other employees.

FS8 told the OIG that, after her sexual contact with [REDACTED] began, there was a brief period of time during which she considered the sexual aspect of their relationship to be a “mutual” one. However, we conclude that, after their sexual contact ceased, [REDACTED] created a hostile work environment for FS8 by retaliating against her for ending their relationship and refusing to delete their WhatsApp text messages. A supervisor’s treatment of a subordinate in the months following the cessation of a romantic relationship can create a hostile work environment. See *Perks v. Town of Huntington*, 251 F.Supp.2d 1143, 1155 (E.D.N.Y. 2003).

FS8 told the OIG that when [REDACTED] asked her to delete their WhatsApp communications and she refused, “that’s when things went badly.” FS8 told the OIG that the significant changes in her workplace environment included alterations in FS8’s chain of command and [REDACTED]. FS8 told the OIG that, as a result of her negative treatment at work, [REDACTED].

Because FS8 experienced significantly changed working conditions after she ended the relationship, and MS2, a friend and confidant of [REDACTED], heard [REDACTED] tell [REDACTED] to “crush” FS8 after FS8 ended their sexual relationship, we concluded that FS8 experienced retaliatory treatment, for which [REDACTED] had an obvious and unique motivation, thereby creating a hostile work environment. We credited MS2’s statement that [REDACTED] directed [REDACTED] to “crush” FS8 because MS2 was one of [REDACTED] trusted confidants, and because that behavior matched the descriptions we received, from multiple witnesses, that [REDACTED] had a “vindictive nature,” and that he would “crush” anyone who “got on his bad side.” [REDACTED]

[REDACTED] Indeed, up until the point when FS8 ended her sexual relationship with [REDACTED] and FS8 refused to delete their text messages and WhatsApp communications, FS8 was doing well in the [REDACTED]. FS8’s [REDACTED] supervisor described her as “awesome” and “professional and well versed in her role.” Moreover, the emails and awards FS8 received from [REDACTED] and others indicated she was performing at a high level in her role. We also found that [REDACTED] created a hostile work environment when he attempted to undermine FS8 at work in other ways, for example by telling several coworkers that FS8 was “[REDACTED].”

[REDACTED] treatment of FS8—subjecting her to unwanted sexual attention and then drastically altering her working conditions and undermining her when their sexual contact had ceased—is the most extreme example of [REDACTED] pattern of sexual harassment of female subordinates. We concluded that [REDACTED] engaged in a pervasive and systematic pattern of sexual harassment during his tenure as the [REDACTED] Section Chief at FBI Headquarters and as the SAC for [REDACTED] and, in so doing, repeatedly violated the Department and FBI policies on sexual harassment.

B. ██████████ Failure to Comply with the FBI Personal Relationships Policy and the FBI Ethics Guide

██████████ and FS8 were involved in an intimate relationship, which the FBI Personal Relationships Policy defines as one that involves sexual contact. FS8's testimony, ██████████ testimony, and the text messages and WhatsApp messages between ██████████ and FS8 confirmed that ██████████ and FS8 engaged in sexual contact.

The FBI's Personal Relationships Policy requires the reporting of such relationships "with an employee with whom a supervisory relationship exists, so that management may determine whether remedial action, such as reassignment, is necessary to prevent interference with the FBI's mission." PD 0802D, § 11.1.2.2. Because ██████████ was FS8's supervisor, the FBI Personal Relationships Policy required him to report their intimate relationship to FBI executive management to allow FBI management to determine whether remedial action, such as reassignment, was necessary. We found no evidence that ██████████ attempted to report his relationship with FS8. In fact, ██████████ told the OIG that he did not report the relationship and was not aware of the FBI's Personal Relationships Policy. Because ██████████ failed to report his intimate relationship with FS8, ██████████ violated Section 11.1.2.2 of the FBI's Personal Relationships Policy.²²

In addition, because Section 4.7.7.1(c) of the FBI Ethics Guide places a heightened responsibility on supervisors to avoid creating the appearance of preferential treatment or other improper conduct, we concluded that ██████████ conduct failed to meet this standard.

C. Lack of Candor

We concluded that ██████████ lacked candor in his recorded interview, under oath, with the OIG on ██████████. As detailed above, ██████████ gave a starkly different account of his conduct with respect to female subordinates than the witnesses, both male and female, who observed or experienced his behavior. ██████████ version of events and explanations for his conduct were not credible. In some instances, ██████████ flatly denied saying or doing things that multiple individuals witnessed. At other times, ██████████ confirmed certain details of his interactions with female subordinates, but he attempted to minimize other details,

²² The FBI's Personal Relationships Policy places an equal obligation to report a romantic or intimate relationship on both supervisors and subordinates. However, as stated in the OIG's March 11, 2020 Management Advisory Memorandum of Concerns Identified in the Handling of Supervisor-Subordinate Relationships Across DOJ Components, because the imbalance of power between supervisors and subordinates raises questions about the consensual nature of such romantic or intimate relationships, the OIG does not name subordinates as subjects in investigations of this type and does not make findings of misconduct against the subordinates solely for failure to report a romantic or intimate relationship. DOJ OIG, *Management Advisory Memorandum of Concerns Identified in the Handling of Supervisor-Subordinate Relationships Across DOJ Components* (March 2020), <https://oig.justice.gov/reports/2020/i20035.pdf> (accessed May 6, 2020).

explain them away, or shift responsibility by saying that the female subordinates misunderstood or misinterpreted their interactions with ██████████

Although we concluded that the entirety of ██████████ testimony was not forthcoming, our analysis focuses on five categories of untruthful testimony offered by ██████████ (1) ██████████ statements that he was not sexually interested in or attracted to several of the female subordinates discussed in this report; (2) ██████████ denial that he never stared at the breasts of any female subordinates; (3) ██████████ explanation of his ██████████ interaction with FS2; (4) ██████████ statements about touching FS7's hair and the ██████████ overnight business trip with FS7; and (5) ██████████ statements to the OIG about his sexual relationship with FS8.

1. ██████████ Denial that He Was Attracted to Several of the Female Subordinates Discussed in this Report

██████████ attempted to deflect several of the interactions addressed in this report by contending that there was no sexual intent behind his behavior. ██████████ presented himself to the OIG as a person who genuinely tried to encourage others, compliment those with whom he worked, and make subordinates feel noticed and important. He explained that those who viewed his conduct as sexual harassment either misunderstood his motives or were actively misrepresenting their interactions with him to the OIG. ██████████ claim that he was not sexually attracted to several of the female subordinates discussed in this report is central to these arguments.

When the OIG asked whether he found certain female subordinates attractive, ██████████ responded as follows: with respect to FS1 he said "no," with respect to FS4 he said "no," with respect to FS6 he said "not at all," and with respect to FS7 he said he considered her "like a sister." As to FS8, the female subordinate with whom ██████████ pursued a sexual relationship, ██████████ told the OIG he was attracted to her "I guess, to some degree." We found these statements lacked candor.

██████████ statements to the OIG were directly contradicted by the testimony of male subordinates who were ██████████ confidants. Both MS1 and MS2 told the OIG that ██████████ engaged in "locker room talk" with them about female subordinates, and, as such, they knew who ██████████ found attractive. MS1 said that he could tell from ██████████ mannerisms and behavior that ██████████ thought FS1 was attractive. MS2 (who only met ██████████ after ██████████ arrived in the ██████████) also knew that ██████████ was attracted to FS1 because ██████████ said so during their conversations about FS1, who had recently transferred to an FBI office in the region. ██████████ also told MS2 that he was attracted to FS4 and FS7. MS2 said that, for FS6, ██████████ said he found her attractive and added "maybe I'll go for [FS6].... I think [FS6] should be mine." FS7 and FS8 are the female subordinates who, according to MS2, ██████████ crudely claimed for himself, while encouraging MS2 to pursue other women in the office. MS2 also told the OIG that ██████████ said he thought FS8 "was attractive, but ██████████ ...but he liked that" and found it "thrilling or something."

We found MS1's and MS2's testimony credible. ██████████ "locker room" statements about FS1, FS4, FS6, FS7, and FS8 were said in confidence, to other men. We view such contemporaneous (and voluntary) statements as a more accurate gauge of ██████████ state of mind than the denials he presented to the OIG when compelled to answer questions about his conduct.

In addition, the observations of numerous witnesses, both male and female, about ██████████ behavior are consistent with MS1's and MS2's testimony. Multiple witnesses described ██████████ as a "man who loved the ladies" or had a "flirty personality." ██████████ reputation for surrounding himself with young, attractive female subordinates was well known to employees of the ██████████, who referred to them collectively as ██████████ harem," and in the ██████████, where it was known that ██████████ "handpicked" young, attractive, female subordinates for his ██████████. Based on observing ██████████ behavior, male and female witnesses from the ██████████ could even describe ██████████ "type" of woman, which was "the younger, smaller, attractive females in the office"—a description that fits most of the female subordinates in this matter, including FS1, FS6, FS7, and FS8.

Given this record, ██████████ statements to the OIG that he was not attracted to FS1, FS4, FS6, and FS7, and that he was only attracted to FS8 "to some degree," are wholly unbelievable.

2. ██████████ Denial that He Ever Stared at the Breasts of any Female Subordinates

We also determined that ██████████ lacked candor when he denied staring at the breasts of female subordinates. During his ██████████ testimony, ██████████ told the OIG that he did not "consciously remember staring at anyone's breasts." We concluded that this statement lacked candor.

Numerous witnesses told the OIG about ██████████ fascination with breasts. According to MS1 and MS2, ██████████ repeatedly and openly commented to his trusted male subordinates about female subordinates' breasts. MS1 told the OIG, "that was a big thing for him—...boobs." MS2 likewise told the OIG about remarks ██████████ made to him. For example, ██████████ said to MS2, "You should have seen the way [FS6's] boobs looked in that shirt."

Two witnesses, MS1 and FS6, also specifically described the way that ██████████ would position his body when he was listening to female subordinates. Their descriptions were eerily similar. MS1 told the OIG that ██████████ had "kind of a shtick" when listening to attractive, female subordinates. According to MS1, ██████████ would "turn to them, focus on them a little more,...lean forward in his chair...[and] really, really pay attention." MS1 also said that "a couple of times" during such meetings, he saw ██████████ "obviously...glancing down from [their] eyes to somewhere lower than the eyes...and I could see that he was moving his eyes up and down." Although MS1 said he could not be sure that ██████████ was staring at their breasts, MS1 "surmise[d] that was exactly what he was doing."

According to MS1, ██████ only behaved this way around women ██████ found attractive.

FS6 likewise said that, the first time she met with ██████ alone, he was not sitting up straight in his chair and had his arm on a table and was hunched into his shoulder. As a result, he was leaning forward with his body and his gaze lowered, even though he was looking straight ahead. She added that any time she glanced at him, she “could tell the eye contact was coming back up” from staring at her breasts. FS6 said that ██████ did this “same leaning in and over type thing” to stare at her breasts the second time she met with him alone. FS6 also described a related method—a “dramatic nod, so that his eyes are going with his head, totally up and down, so it’s less obvious”—that ██████ used when he was walking down a hallway to stare at the bodies of female subordinates.

We concluded that these witnesses accurately and truthfully recounted what they saw ██████ do. Their testimony indicates that ██████: (1) had a practiced way of staring at female subordinates’ breasts, (2) used the same method repeatedly over the course of years, and (3) intended to avoid detection. The testimony of MS2 further bolstered our conclusion as he described ██████ skill at “masking” the fact that he was “sneaking a look” at the breasts of women he found attractive.

We also credit the testimony of the many additional witnesses who independently reported that ██████ stared at their breasts or the breasts of other female subordinates. FS1 told us ██████ “stared at her boobs.” FS10 said ██████ looked at FS1’s breasts and remarked “they’re sitting up today” on one occasion. FS2 said ██████ “had wandering eyes” and gave her the “full up and down look” on a fairly regular basis. FS8 also said she thought ██████ had been staring at her breasts in a meeting, but she could not be sure. FS9 remembered that meeting, and she told the OIG that she thought she saw ██████ looking at FS8’s breasts. ██████ whom FS6 introduced to ██████ likewise saw ██████ “gawking” at FS6, and he told the OIG it was “creepy.” The ██████ who FS6 introduced to ██████ likewise saw ██████ “gawking” at FS6, and he told the OIG it was “creepy.” These numerous accounts indicate that ██████ staring at female subordinates’ breasts was not an isolated incident—it was conscious and routine.

Given these detailed accounts of ██████ behavior, which the evidence establishes was intentional and recurrent, we rejected ██████ statement that he did not “consciously remember staring at anyone’s breasts” and found that his testimony on this subject lacked candor.

3. ██████ Explanation of His Interaction with FS2

█████ likewise lacked candor in describing his interactions with FS2 to the OIG. According to ██████, around the time FS2 was scheduled to leave the ██████ for a new assignment in an FBI field office, ██████ hugged her and told her he “was going to miss her.” ██████ described the hug as a “cheek to cheek hug” and denied that he touched FS2’s leg, pulled on her earlobe, or kissed her on

the cheek. [REDACTED] also told the OIG that, when FS2 later told [REDACTED] that his conduct made her uncomfortable, it “took [him] aback a little bit; that she made it something that it wasn’t.” [REDACTED] denied FS2’s version of events even after the OIG advised him that FS2 created written notes of their interaction around the time it occurred.

We found FS2’s notes of her [REDACTED] encounter with [REDACTED], and FS2’s testimony about the events that led to the creation of those notes, more reliable than [REDACTED] testimony. Because FS2 created these notes soon after the events they describe, they capture the details of her interaction with [REDACTED] at a time when those events were fresh in FS2’s mind.

There is no reason to suspect that FS2 had a motive to invent or exaggerate the events described in the notes. At the time FS2 wrote these notes, FS2 had already decided not to report [REDACTED] or come forward with a complaint. Indeed, the notes clearly state that FS2 wrote them simply “for future reference in the event that additional incidents were noted from other colleagues.” FS2 had no way of knowing that, [REDACTED], the OIG would contact her in the course of an investigation relating to the [REDACTED]. [REDACTED] also did not provide any evidence that FS2 was acting out of ill motive. Instead, although [REDACTED] told the OIG that there were people within the [REDACTED] who had an “axe to grind” with him, [REDACTED] said he did not think that FS2 was one of them.

The level of detail contained in FS2’s notes enhances their evidentiary value. FS2’s notes painstakingly catalog the events as they unfolded. These notes reflect the date, time, the distance between FS2 and [REDACTED] as they sat on the couch (“less than 1 foot”) and set off in quotation marks the statements FS2 attributed to [REDACTED]. The notes state that, on [REDACTED], at approximately 4:00 p.m., [REDACTED] received a closed-door briefing from FS2 in his office. During the briefing, [REDACTED] sat on the couch next to her, but much closer than usual, touched her knee, and tugged on her earlobe, while she was attempting to tell [REDACTED] about FBI matters she was supervising. He complimented her on having “the cutest little ears” and asked her “please don’t go” when she announced she needed to leave. When she stood to leave, he approached her to give her a hug, and he “also gave [her] a kiss on [her] cheek.”

FS1’s testimony also corroborates FS2’s notes. The notes state that FS2 created them after FS2 told FS1 about her interaction with [REDACTED]. The notes state that “[FS1] advised [FS2] to keep written documentation of the incident for future reference,” and the OIG’s Cyber Unit’s investigation determined that FS2 created the notes on [REDACTED] (which is the date on which the notes state FS2 received the advice from FS1). Significantly, FS1 remembered that conversation, and she told the OIG that she cried when FS2 told her about [REDACTED] behavior because FS2’s description of what [REDACTED] did was so similar to what FS1 had also experienced in dealing with [REDACTED].

FS2’s notes directly refute [REDACTED] version of events—that FS2 misconstrued a hug. In fact, the notes state that [REDACTED] was “a known ‘hugger,’” and that FS2 considered a simple hug from [REDACTED] as “in itself...not

unusual.” That observation completely undercuts ██████ statement that FS2 made this interaction into “something that it wasn’t.”

FS2’s notes clearly document the other things that ██████ did—touching her knee, tugging on her earlobe, kissing her on the cheek—and stated that this interaction was unlike any other she had ever had “with SC ██████ or any other colleague” in her ██████ in the FBI.” Given the strength of this contemporaneous account, we concluded that ██████ statement to the OIG—“I did not pull on her earlobe, or touch her leg, or whatever else was said”—was false.

Significantly, when the OIG asked ██████ about these events, ██████ did not claim a lack of memory. Instead, he provided a clear description of what occurred that was calculated to downplay or explain away the actual events. ██████ version was undergirded by bits of truth. ██████ accurately stated that this interaction happened around the time that FS2 was scheduled to leave ██████; that ██████ hugged her; and that ██████ told FS2 he was “going to miss her.” We believe, based on this record, that all of that occurred. However, ██████ denied all of the offensive behavior, and he argued to the OIG that FS2 “made it something that it wasn’t” when she later confronted him. We concluded that by accurately stating some of the details but denying his other egregious actions, ██████ was not fully forthright in his description of these events, and that he lacked candor in his OIG interview.

4. ██████ Explanation of His Interactions with FS7

We also determined that ██████ lacked candor in his account of his interactions with FS7. As with ██████ testimony concerning FS2, ██████ testimony involving FS7 was calculated to downplay or minimize his conduct, so that it would not appear unwelcome or harassing. There are elements of truth in what ██████ told the OIG—he did touch FS7’s hair more than once, and he did tell her she was attractive while having drinks in a bar on an overnight business trip. In ██████ telling, however, his behavior was benign and inoffensive. In contrast, the other witnesses present, FS7 and MS2, gave the OIG descriptions of ██████ actions that corroborated one another and contradicted ██████ account.

██████ told the OIG about “at least two occasions where [FS7’s] hair had static electricity in it.” ██████ said that he put his hand behind FS7, and he “raised her hair up higher and then...pushed it down real quick, like a magic trick.” According ██████, they both “had a good laugh about it.”

That is not what the other two witnesses to this event saw or described. FS7 said ██████ played with her hair while they rode in an FBI vehicle, after telling her something like “sit in the front so that I can play with that beautiful hair.” MS2 saw this interaction out of his peripheral vision as he drove, and he remembered thinking “it was weird” that ██████ “was playing with her hair.” MS2 added that he had heard ██████ say “your hair’s perfect”; “you’re so perfect” to FS7 on a number of occasions, and that the same type of thing “definitely could have been said” during the car ride. We specifically asked MS2 whether FS7’s hair had static

electricity, and whether [REDACTED] was using his hand to raise and lower it “like a magic trick.” MS2 told the OIG that is “not what I saw.” Instead, MS2 said that “it almost looked like he was combing her hair with his finger,” and that it was weird enough that MS2 thought he should say something to FS7. Both FS7 and MS2 told the OIG that MS2 was concerned, and he asked FS7 if she was okay. Both MS2 and FS7 remembered that FS7 said she would handle it.

[REDACTED] similarly attempted to minimize his description of his own conduct toward FS7 during the [REDACTED] overnight business trip. Like the descriptions FS7 and MS2 offered, [REDACTED] account stated accurately that they all spent time at a bar that evening. However, according to [REDACTED], FS7 was intoxicated and sad [REDACTED], and [REDACTED] was consoling her by telling her she was “very attractive” and [REDACTED]. [REDACTED] told the OIG that he was drinking but not intoxicated, that he did not recall leaning in toward FS7, and that he did not smell her hair on his way to the bathroom. [REDACTED] also told the OIG he did not remember being close enough to FS7 to be described as “creepy,” and he added that “[w]e had a good time; we were all laughing; and nobody looked like they were creeped out.”

[REDACTED] version cannot be reconciled with the testimony offered by FS7 and MS2. Their testimony to the OIG presented a consistent set of facts, which contradicted [REDACTED] statements. FS7 told the OIG that, at the bar, [REDACTED] was becoming intoxicated, and she stopped drinking. FS7 said [REDACTED] started leaning into her personal space and saying things like “oh, you’re so beautiful, you’re so perfect,” which comments she tried to deflect. MS2 similarly described [REDACTED] as “overly intoxicated” and “very flirty” toward FS7. MS2 added that it was “creepy” how close [REDACTED] was to her. MS2 told the OIG he definitely heard [REDACTED] say, “you’re so perfect; why are you so perfect.” MS2 could not remember FS7 saying anything about [REDACTED], and he added that FS7 is one of his friends but “is super private about that kind of thing.” Both FS7 and MS2 said they thought [REDACTED] smelled FS7’s hair on his way to the bathroom, and FS7 added that, although she could not see [REDACTED] as he passed behind her, she could tell that he “was incredibly close...closer than he needed to be to walk to the bathroom.”

FS7 and MS2’s account that [REDACTED] was intoxicated, flirting with FS7, and acting “creepy” was further confirmed by what occurred when they returned to the hotel that evening. The key details of FS7’s and MS2’s accounts are precisely the same. FS7 indicated to MS2 that she did not want to be left alone with [REDACTED], which MS2 said he immediately understood. MS2 got in the elevator with FS7 and [REDACTED] even though there was a separate elevator closer to his room. [REDACTED] got off the elevator first, after which FS7 rode with MS2 to MS2’s floor to make sure [REDACTED] was not following FS7. Only after FS7 was sure she had not been followed did FS7 go down to the floor of the hotel where her room was located.

Given the severity of this conduct, it is not surprising that [REDACTED] would seek to confirm the neutral details of his behavior (who, when, and where) but minimize or reframe the more salacious details. However, obfuscation of this type

is expressly prohibited under FBI policy. FBI Offense Code 2.6 (Lack of Candor—Under Oath) applies to explicit false statements as well as “misrepresentations, the failure to be fully forthright, or the concealment or omission of a material fact/information.” We concluded that ██████ statements to the OIG about FS7 were not fully forthright, and in fact they were intended to conceal the true nature of his conduct.

5. ██████ Statements About His Sexual Relationship with FS8

With respect to FS8, ██████ sought to persuade the OIG that FS8 initiated their relationship by flirting with ██████, and that FS8 was the aggressor in the relationship. ██████ also told the OIG that he did not tell ██████ to “crush” FS8; in fact, he stated “that’s not something that would come out of my mouth. I wouldn’t crush any employee, relationship or not.” As with ██████ other statements to the OIG, these statements lacked candor.

The record does not support ██████ statement that FS8 initiated the sexual component of their relationship or ██████ statement that FS8 was the aggressor in the relationship. FS8 said that she believed that ██████ attention toward her was “fatherly” until ██████ began saying things like “I like you” and “I would like to kiss you.” FS8 said that when ██████ made these comments, she “didn’t know what to do” and that she would “nervously laugh.”

FS9 and MS2 provided the OIG with multiple examples of how ██████ pursued FS8. FS9 said that ██████ was “always looking to engage in conversation with [FS8]” and would “follow [FS8] around like a puppy.” FS9 told the OIG that, when ██████ first began paying additional attention to FS8, his attention “seemed innocent in nature and part of his ██████ charm” but soon became “very excessive.” FS9 recalled a meeting where ██████ was “just so focused on [FS8],” and FS9 told the OIG that, during this meeting, she thought she saw ██████ looking at FS8’s breasts. The pattern that FS9 described—charming casual conversation, that led to excessive attention, and ultimately inappropriate staring—precisely tracks the subtle escalation in harassing behavior that many of ██████ victims experienced.

████████ interactions with MS2 likewise support that ██████ was the one pursuing FS8. ██████ told MS2 that he thought FS8 “was attractive, but ██████...but he liked that.” MS2 also said that ██████ used the phrase “I pee’d on that” as a way of saying he had “claimed” FS8 for himself.²³ In an ██████ text message exchange, FS8 asked ██████ why MS2 “was scared to talk to me

²³ When we asked ██████ about his use of the phrase “pee’d on” to refer to FS8, ██████ told the OIG, “I don’t know what that means; I’ve never said I pee’d on anyone.” We then asked MS2 about ██████ statement that he never used that phrase and does not know what it means, to which MS2 responded: “That’s a lie.” ██████ similarly indicated possession when he used the possessive pronoun “my” to refer to female subordinates while they were present (for example “my [FS5],” “my [FS2],” and “my [FS10]”). Given the totality of the circumstances, we credited MS2’s testimony and concluded that ██████ used “pee’d on” to indicate possession over female subordinates when privately talking to MS2.

around you today,” and ██████ replied, “I told him [FS7] and [another female subordinate] are fair game. I mean he knows I like you and he shouldn’t mess with you.”

██████ also initiated all of the events that led up to a sexual act. ██████ asked FS8 for her private cell phone number. ██████ not FS8, suggested that they communicate via WhatsApp. ██████ invited FS8 to lunch, ██████, not FS8, asked whether she was interested in coming over to “Netflix and chill.” ██████ did not dispute these facts. They contradict ██████ assertion that FS8 “was the more aggressive one in it; and then, yes, I did participate in it.”

Similarly, ██████ statement that he did not tell ██████ to “crush” FS8 when FS8 ended their relationship and denied ██████ request to delete their WhatsApp texts is wholly unbelievable. MS2 told the OIG that he was present and heard ██████ tell ██████ to “crush” FS8. We found that FS8’s conditions at work changed significantly after she ended her relationship with ██████. FS8 was subjected to alterations in FS8’s chain of command, ██████, and exclusion from weekly staff meetings. These changes considerably affected her ability to do her job. ██████ attempt to justify the changes by telling the OIG that FS8 ██████ falls flat. The OIG reviewed emails and awards FS8 received from ██████ and others that indicated she was performing at a high level in her role. Further, FBI Headquarters documents ██████

██████ This documentation demonstrated that FS8 out performed those in ██████

If, in fact, ██████ allegations that FS8 was ██████ were accurate, the FBI, according to MS3, has provisions in place to address an underperforming employee. For instance, the office can place an employee on a ██████

██████ explanation for the treatment of FS8, which deteriorated after she ended their relationship, is not believable and is not borne out by the facts the OIG uncovered.

V. Conclusion

██████ used his authority in ██████ and as the highest ranking FBI official in the ██████ to create an intimidating, hostile, and offensive work environment, in clear violation of the Department’s zero tolerance policy for sexual harassment. ██████ made his female subordinates feel uncomfortable and awkward by repeatedly commenting on their appearances at work. In addition, he stared at the breasts of female subordinates during meetings, touched one female subordinate’s hair on several occasions, and transferred a female subordinate to a squad near his office because he said she “looked good walking down that hall.” ██████ conduct fostered and encouraged toxic working conditions, and it was part of a pattern of sexual harassment by ██████ in the

workplace, which dates back at least to [REDACTED] tenure as a Section Chief [REDACTED]. With one female subordinate, [REDACTED] engaged in sexual contact and retaliated against her when she sought to end the sexual component of their relationship but refused to delete the text messages and WhatsApp communications that evidenced it. He also violated the FBI's Personal Relationships Policy and the FBI Ethics Guide by failing to report the relationship.

Moreover, when the OIG questioned [REDACTED] under oath on [REDACTED], he lacked candor. When confronted with the allegations from numerous female subordinates, [REDACTED] endeavored to downplay his conduct or responded in a manner designed to minimize his female subordinates' reactions and reframe those interactions as ones in which the female subordinates misunderstood or were too easily offended. Here, the clear pattern of [REDACTED] behavior with numerous female subordinates over the course of several years reveals that he intentionally, and repeatedly, engaged in sexual harassment. [REDACTED] attempts to deny allegations against him, or provide alternate explanations for his conduct, were unpersuasive and, in many cases, directly contradicted by the testimony of credible eyewitnesses.

The OIG is providing a copy of this report to the FBI for disciplinary action it deems appropriate.



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