

REPORT OF INVESTIGATION

SUBJECT (b)(6); (b)(7)(C) Special Agent in Charge (b)(6); (b)(7)(C)		CASE NUMBER 2021-004894
OFFICE CONDUCTING INVESTIGATION Chicago Field Office		DOJ COMPONENT Federal Bureau of Investigation
DISTRIBUTION		STATUS
<input checked="" type="checkbox"/> Field Office CFO <input checked="" type="checkbox"/> AIGINV <input checked="" type="checkbox"/> Component FBI <input type="checkbox"/> USA <input type="checkbox"/> Other		<input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Date of Previous Report:

SYNOPSIS

The Department of Justice (DOJ) Office of the Inspector General (OIG) initiated this investigation upon the receipt of information from the Federal Bureau of Investigation (FBI) Inspection Division (INSD) alleging that since at least (b)(6); (b)(7)(C) the then FBI Special Agent in Charge (SAC) (b)(6); (b)(7)(C) had been engaging in sexually oriented communications and sexual relationships with subordinate employees in the (b)(6); (b)(7)(C) (b)(6); (b)(7)(C). The information alleged further that (b)(6); (b)(7)(C) engaged in sexual acts in an official government vehicle with one of the employees. The OIG conducted this investigation jointly with the FBI INSD.

The OIG investigation substantiated the allegation that (b)(6); (b)(7)(C) engaged in sexual contact with a female subordinate in an official government vehicle and had sexually oriented communications with her and two other subordinate female staff members, in violation of FBI policy.

The OIG reviewed (b)(6); (b)(7)(C) government and personal cell phone records and identified numerous calls and text messages between (b)(6); (b)(7)(C) personal cell phone and four (b)(6); (b)(7)(C) female staff members. However, the content of the text messages was unavailable. The OIG and FBI INSD reviewed (b)(6); (b)(7)(C) and the female staff members' government e-mail accounts, which revealed nothing of evidentiary value.

Three subordinate (b)(6); (b)(7)(C) staff members told the OIG that from approximately (b)(6); (b)(7)(C) outside of work hours, they separately engaged in flirtatious behavior and had sexual conversations with (b)(6); (b)(7)(C) via text and phone calls. They all stated they did not consider (b)(6); (b)(7)(C) conduct to be harassing, intimidating, or coercive in any way. One of the staff members further stated that she and (b)(6); (b)(7)(C) had sexual contact with each other in (b)(6); (b)(7)(C) government vehicle after they had lunch together.

DATE	August 16, 2022	SIGNATURE	(b)(6); (b)(7)(C)
PREPARED BY SPECIAL AGENT	(b)(6); (b)(7)(C)		
DATE	August 16, 2022	SIGNATURE	 WILLIAM HANNAH 2022.08.16 15:16:34 -05'00'
APPROVED BY SPECIAL AGENT IN CHARGE	William Hannah		

In a compelled interview with the OIG, [REDACTED] admitted to being flirtatious with three [REDACTED] female staff members and having sexually oriented conversations with them via text and phone calls. [REDACTED] denied that he was trying to establish romantic relationships with them. [REDACTED] admitted that sometime in [REDACTED] or [REDACTED] while in his government vehicle after having lunch with one of this staff members, he allowed her to place his hand under her clothes near her vagina without penetrating her and that he placed his hands on her chest over her clothes but said he did not think he touched her breasts. [REDACTED] stated that his leadership style is very personable, and he often takes staff to lunch to learn about the employees. [REDACTED] stated that his interactions with these three women started out based on mutual interests and evolved into more intimate conversations. [REDACTED] told the OIG that he did not report his interactions with these women to FBI management because he did not believe they constituted sexual or romantic relationships as defined by FBI policy. [REDACTED] said that although he found them attractive, he was not able to have a sexual or romantic relationship with any of them because he was the SAC of the office.

[REDACTED] retired from the FBI on [REDACTED] subsequent to the OIG opening this investigation.

The OIG has completed its investigation and is providing this report to the FBI for its information.

Unless otherwise noted, the OIG applies the preponderance of the evidence standard in determining whether DOJ personnel have committed misconduct. The Merit Systems Protection Board applies this same 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).

DETAILS OF INVESTIGATION

Predication

The Department of Justice (DOJ) Office of the Inspector General (OIG) initiated this investigation upon the receipt of information from the Federal Bureau of Investigation (FBI) Inspection Division (INSD) alleging that since at least (b)(6); (b)(7)(C) the then FBI Special Agent in Charge (SAC) (b)(6); (b)(7)(C) had been engaging in sexually oriented communications and sexual relationships with subordinate employees in the (b)(6); (b)(7)(C) (b)(6); (b)(7)(C). The information alleged further that (b)(6); (b)(7)(C) engaged in sexual acts in an official government vehicle with one of the employees. The OIG conducted this investigation jointly with the FBI INSD.

Investigative Process

The OIG's investigative efforts consisted of the following:

Interviews of the following FBI personnel:

- (b)(6); (b)(7)(C)
- (b)(6); (b)(7)(C)
- (b)(6); (b)(7)(C)
- (b)(6); (b)(7)(C)
- (b)(6); (b)(7)(C) Special Agent in Charge

Attempted interview of the following FBI personnel:

- (b)(6); (b)(7)(C)

Review of the following:

- (b)(6); (b)(7)(C) FBI cellular telephone records
- Forensic review of the contents of (b)(6); (b)(7)(C) FBI cellular telephone
- (b)(6); (b)(7)(C) personal cellular telephone records (obtained via OIG subpoena)
- FBI text messages for (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C)
- FBI email messages for (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) Improper Relationship with a Subordinate, Misuse of a Government Vehicle, and Unprofessional, Sexually Oriented Communications with Subordinates

The information provided to the OIG alleged that from approximately (b)(6); (b)(7)(C) engaged in sexually oriented communications and sexual relationships with female staff members then working at (b)(6); (b)(7)(C) who were his subordinates, and misused his official government vehicle.

Relevant Authorities

FBI Offense Code 5.10, Improper Relationship with a Subordinate, prohibits the following activities:

Engaging in or seeking a romantic or intimate relationship with a subordinate that violates the strictures of the FBI's Personal Relationships Policy as it pertains to FBI executives, managers, supervisors, and other persons serving or acting in positions of authority.

The FBI has a Personal Relationships Policy (Personal Relationships Policy) that is contained in Policy Directive (PD) 0802D, dated August 14, 2015. Although the words "personal relationships" appear in the name of the policy, the Policy does not define what is a personal relationship. Instead, the Policy defines two types of relationships: romantic relationships and intimate relationships. The policy states that a romantic relationship is

a relationship 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.

The Personal Relationships Policy defines an intimate relationship as "a relationship that involves sexual contact."¹ While the Personal Relationships Policy does not outright prohibit romantic or intimate relationships in the workplace, it requires that an employee "[r]eport the development of a romantic or intimate relationship—even though the relationship is not prohibited—with another employee in the same unit or squad or with an employee with whom a supervisory relationship exists...."² The FBI also has an Ethics and Integrity Program Policy Directive and Policy Guide (Ethics Guide), dated February 2, 2015, a portion of which concerns workplace relationships. Section 4.7.7.1, labeled "Appropriate Superior-Subordinate Inter-Personal Relationships," states that

[p]ersons who are given the authority to supervise others in the Government must not engage in activities that may subtly or overtly coerce a subordinate to provide any personal benefit (to themselves or any other person) that is otherwise not authorized in the course of performing official duties. Generally speaking, employees and their supervisors must not engage in any relationship, financial or otherwise (romantic, business, recreational) that: [n]egatively impacts their ability to maintain a professional and appropriate superior-subordinate relationship; or [o]therwise, adversely impacts the completion of the FBI mission.

The Ethics Guide does not define what constitutes a "romantic, business, or recreational" relationship, but further states that:

a superior has the greater authority and, hence, the greater responsibility to avoid creating appearances of preferential treatment or other improper conduct. As a result of this greater responsibility and the inequality inherent in the superior-subordinate relationship, a superior is held to a higher standard than a subordinate when improprieties are addressed in the disciplinary or administrative process.

¹ The FBI's Personal Relationships Policy does not define sexual contact. Federal law has defined "[sexual contact](#)" to mean "the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person." See 18 U.S.C. § 2246(3).

² The OIG acknowledges that the FBI's Personal Relationships Policy places an equal obligation to report a romantic or intimate relationship on both supervisors and subordinates. However, the OIG did not name the subordinates as subjects in this matter, as we do not make findings of misconduct against subordinates solely for their failure to report a romantic or intimate relationship.

There are separate FBI offense codes applicable to "Unprofessional Conduct" depending on whether the employee was engaged in conduct while on duty or off duty. Offense Code 5.22, Unprofessional Conduct – On Duty, applies to misconduct not otherwise delineated in a specific Offense Code and prohibits FBI employees from, "engaging in conduct, while on duty, which dishonors, disgraces, or discredits the FBI; seriously calls into question the judgment or character of the employee; or compromises the standing of the employee among his peers or the community." Offense Code 5.21, Unprofessional Conduct – Off Duty, prohibits employees from "engaging in conduct, while off duty, which dishonors, disgraces, or discredits the FBI; seriously calls into question the judgment or character of the employee, or compromises the standing of the employee among his peers or his community."

As The OIG has noted based on our prior investigative work, romantic or intimate relationships between superiors and subordinates have the potential to create additional problems in the workplace not addressed by the authority cited 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. See DOJ Policy Memorandum 2021-02, "Department Policy Regarding Supervisor/Subordinate Relationships" (noting that romantic or intimate relationships between supervisors and subordinate employees have the potential to create significant problems for the workplace).

The FBI Offense Code 3.10, Misuse of Government Vehicle or Aircraft, Title 31, prohibits the following activities:

Knowingly, or with reckless disregard, using, or permitting the use of, a government-owned or government-leased passenger motor vehicle or aircraft for an unofficial or purely personal purpose (i.e., a purpose other than the facilitation of government work or the execution of the FBI's mission).

Factual Findings

At all times relevant to this report, (b)(6); (b)(7)(C) was the SAC (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) were assigned to (b)(6); (b)(7)(C) and were (b)(6); (b)(7)(C) subordinates.

The OIG reviewed (b)(6); (b)(7)(C) government and personal cell phone records and identified numerous calls and text messages between (b)(6); (b)(7)(C) personal cell phone and personal cell phones registered to (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C). However, the content of the text messages was unavailable. The OIG's review of (b)(6); (b)(7)(C) government cell phone did not reveal any records of evidentiary value. The OIG reviewed (b)(6); (b)(7)(C) and the female staff members' government e-mail accounts, which also revealed nothing of evidentiary value.

During an interview with the OIG and FBI INSD, (b)(6); (b)(7)(C) stated that from approximately (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) she and (b)(6); (b)(7)(C) developed a friendship, during which they communicated on their personal cell phones after work hours. (b)(6); (b)(7)(C) said the conversations evolved into being more intimate and sexual in nature after they attended a (b)(6); (b)(7)(C) party, where they held hands. (b)(6); (b)(7)(C) stated that (b)(6); (b)(7)(C) frequently told her she was beautiful, and during their phone conversations often asked her what she was wearing. According to (b)(6); (b)(7)(C) either asked her or implied that he wanted her to send him pictures of herself, and she subsequently sent him nude photos of herself from her personal cell phone to his personal cell phone. (b)(6); (b)(7)(C) recalled a couple of occasions where (b)(6); (b)(7)(C) touched her intimately on her chest and under her clothes. (b)(6); (b)(7)(C) also described one occasion of intimacy in (b)(6); (b)(7)(C) when she and (b)(6); (b)(7)(C) went to lunch together in his official government vehicle. After lunch while in his vehicle, (b)(6); (b)(7)(C) put his hand between her legs under her clothes, but he did not penetrate her. During this same encounter, (b)(6); (b)(7)(C) touched (b)(6); (b)(7)(C) over his clothes on his chest and pants. (b)(6); (b)(7)(C) stated she was hopeful their friendship

might turn into a romantic relationship after he retired. [REDACTED] denied ever feeling harassed, pressured, or coerced by [REDACTED].

[REDACTED] told the OIG and FBI INSD that sometime in [REDACTED] she and [REDACTED] were at a bar after work and were discussing prior dating relationships. [REDACTED] told [REDACTED] that she and [REDACTED] were "sexting" each other at night. According to [REDACTED] told her that she and [REDACTED] frequently went out to lunch and on at least one occasion, [REDACTED] touched [REDACTED] vagina with his fingers while they were in [REDACTED] government vehicle. [REDACTED] told the OIG that she believed [REDACTED] relationship with [REDACTED] was consensual, and that [REDACTED] enjoyed the sexual conversations and attention she received from [REDACTED]. [REDACTED] stated that the relationship between [REDACTED] and [REDACTED] ended in [REDACTED] but [REDACTED] did not know why. [REDACTED] denied ever witnessing any inappropriate conduct between [REDACTED] or any other FBI staff members.

During an interview with the OIG and FBI INSD, [REDACTED] stated that she and [REDACTED] developed a friendship through their mutual interests. [REDACTED] stated that she and [REDACTED] communicated on their personal cell phones. [REDACTED] stated that her conversations with [REDACTED] eventually became more flirtatious and sexual in nature. According to [REDACTED] [REDACTED] asked her to download and use the encrypted messaging application, Signal, on her personal cell phone, and she agreed. She and [REDACTED] used Signal on their personal cell phones for their more intimate conversations. [REDACTED] recalled that during their conversations, [REDACTED] made detailed sexual references and expected her to do the same, which made her uncomfortable. [REDACTED] acknowledged that her relationship with [REDACTED] could be considered an emotional affair and denied having a physical relationship with [REDACTED]. [REDACTED] denied sending [REDACTED] any sexual photos and stated that [REDACTED] never asked her to send him any. [REDACTED] denied that she and [REDACTED] ever touched each other sexually in any way.

During an interview with the OIG and FBI INSD, [REDACTED] said that she and [REDACTED] developed a friendship and began communicating outside of work hours on their personal cell phones. Over time, their text messages became flirtatious and sexual in nature. [REDACTED] stated that [REDACTED] often said that he found her attractive and made comments about her appearance. [REDACTED] perceived [REDACTED] interactions with her as an attempt to pursue his romantic interest in her. [REDACTED] stated that [REDACTED] said that it was difficult for him to see her because she was attractive, and he knew he could not have a relationship with her because of his position. [REDACTED] denied that [REDACTED] ever sent her any sexual pictures or asked her to send him any. [REDACTED] denied ever sexually touching [REDACTED] or having a physical relationship with him. [REDACTED] stated that she did not consider [REDACTED] actions as harassment, coercion, or intimidation. [REDACTED] denied that [REDACTED] ever showed any favoritism or special treatment toward her.

The OIG and FBI INSD attempted to contact [REDACTED] via telephone to schedule her interview, but she did not return any calls.

In a compelled interview with the OIG and FBI INSD [REDACTED] admitted to having a sexual encounter with [REDACTED] in his FBI-issued government vehicle. [REDACTED] recalled that in [REDACTED] he and [REDACTED] went to lunch together in his government vehicle. [REDACTED] stated that afterwards, they got into his vehicle, and [REDACTED] initiated a sexual encounter with him by placing his hand on her leg and rubbing his chest. [REDACTED] said that he was caught off guard and tried to rebuff her advances. However, [REDACTED] admitted to allowing [REDACTED] to place his hand under her clothes near her vagina without penetrating her. [REDACTED] also stated he placed his hands on her chest over her clothes but said he did not think he touched her breasts. [REDACTED] acknowledged that sexual activity in an official government vehicle was prohibited under FBI policy. [REDACTED] also admitted to engaging in sexually oriented and flirtatious conversations via text and phone calls with [REDACTED] on his personal cell telephone. [REDACTED] stated that [REDACTED] also sent him "tasteful" nude photos of herself, but he denied requesting her to do so. [REDACTED] said that FBI policy did not prohibit dating in the office, but it was frowned upon if the person was a direct report. [REDACTED] said [REDACTED] was not his direct report. [REDACTED] acknowledged that he

was obligated to disclose a romantic or dating relationship to FBI management but stated he did not report his relationship with (b)(6); (b)(7)(C) because he did not view his relationship with her as a dating or romantic relationship. (b)(6); (b)(7)(C) said he believed that (b)(6); (b)(7)(C) wanted to pursue a romantic relationship with him, but he did not think it was prudent to pursue it because the office was so small.

(b)(6); (b)(7)(C) also admitted to having flirtatious text message and phone conversations on his personal cell phone with (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) stated that he developed a friendship with (b)(6); (b)(7)(C) because of their mutual interest in dogs. (b)(6); (b)(7)(C) admitted that he was attracted to her, but said their relationship never became physical. According to (b)(6); (b)(7)(C) both he and (b)(6); (b)(7)(C) knew they could not have a relationship because he was the SAC, (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) stated he and (b)(6); (b)(7)(C) used FaceTime and Signal to communicate on their personal cell phones. (b)(6); (b)(7)(C) stated that his relationship with (b)(6); (b)(7)(C) started after (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) became a confidant to him. (b)(6); (b)(7)(C) said that his conversations with (b)(6); (b)(7)(C) on their personal cell phones became flirtatious, but not to the extent of his communications with either (b)(6); (b)(7)(C) or (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) admitted that he was attracted to (b)(6); (b)(7)(C) but stated that he could not pursue a relationship with her because of his position. (b)(6); (b)(7)(C) denied having any sexual contact or a dating relationship with either (b)(6); (b)(7)(C) or (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) stated that he did not believe it was necessary to report his interactions with them to FBI management. (b)(6); (b)(7)(C) denied having any flirtatious conversations with (b)(6); (b)(7)(C) and said their relationship with strictly professional. (b)(6); (b)(7)(C) admitted to thinking that (b)(6); (b)(7)(C) was attractive, but he said he knew he was prohibited from pursuing any type of relationship with her because she was his direct report.

OIG's Conclusion

The OIG investigation concluded that (b)(6); (b)(7)(C) violated FBI Offense Code 5.10 (Inappropriate Relationship with a Subordinate), the FBI Personal Relationships Policy, the FBI Ethics Guide, and FBI Offense Code 5.21/22 (Unprofessional Conduct) by engaging in and failing to report an intimate relationship with (b)(6); (b)(7)(C), his subordinate employee. The OIG further concluded that (b)(6); (b)(7)(C) violated FBI Offense Code 3.10 (Misuse of a Government Vehicle) when he engaged in sexual contact with (b)(6); (b)(7)(C) in his government vehicle.

The OIG further concluded that (b)(6); (b)(7)(C) violated FBI Offense Code 5.21 (Unprofessional Conduct- Off Duty) by engaging in sexually oriented communications with (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) separately, outside of work hours. Given (b)(6); (b)(7)(C) role as SAC (b)(6); (b)(7)(C), the OIG finds that (b)(6); (b)(7)(C) conduct in engaging in sexually oriented communications with subordinate (b)(6); (b)(7)(C) staff members (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) was unprofessional in that it calls (b)(6); (b)(7)(C) judgment into question.