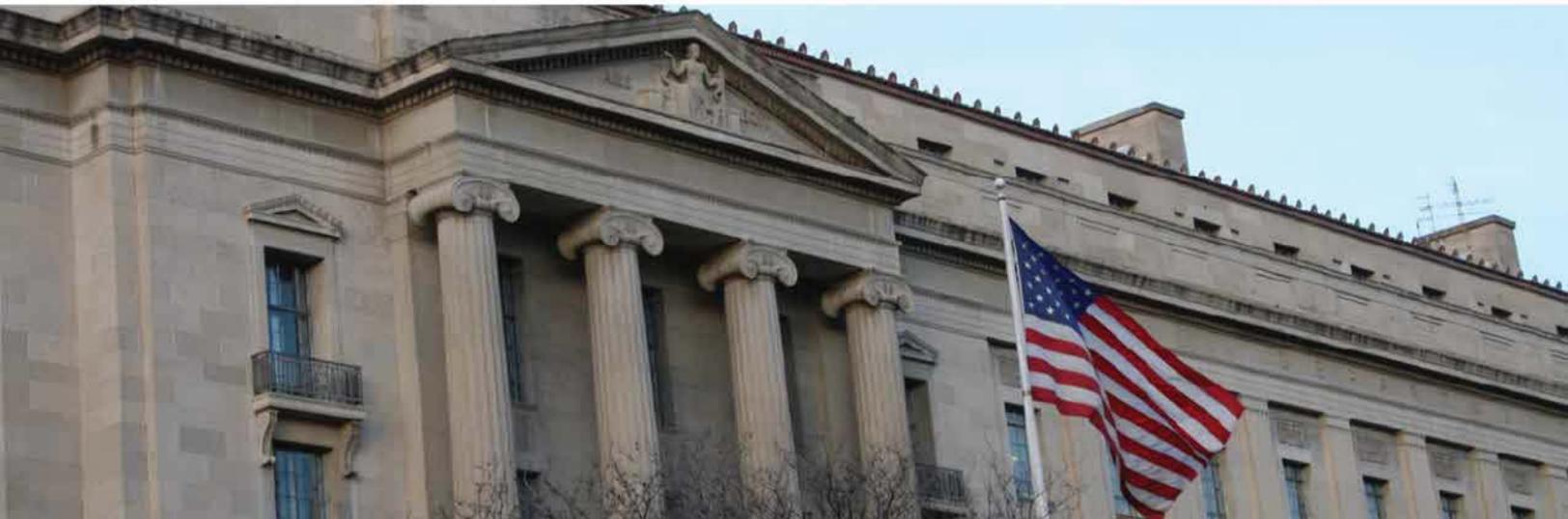




Office of the Inspector General U.S. Department of Justice

OVERSIGHT ★ INTEGRITY ★ GUIDANCE



A Report of Investigation Involving Alleged Misconduct By Certain Senior Executives at the FBI Los Angeles Field Office

Oversight and Review Division

June 2020
(Revised)

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

I. (U) Introduction

(U) On October 16, 2018, the Office of the Inspector General (OIG) received a complaint alleging that members of executive management in the Federal Bureau of Investigation's (FBI) Los Angeles Field Office (LAFO) attended the Los Angeles Dodgers National League Championship Series playoff game the prior day where they also held their weekly management meeting at a private restaurant inside Dodger Stadium and ate a free buffet provided by the Dodgers.¹ The OIG opened an investigation into these allegations to determine whether any FBI employees violated federal ethics rules and FBI policies.²

(U) We found that Special Agent in Charge (SAC) Voviette Morgan initiated and made the arrangements for LAFO executive managers to be at Dodger Stadium on October 15 to hold a management meeting and participate in law enforcement briefings, and that the LAFO Assistant Director in Charge (ADIC), Paul Delacourt, approved of Morgan's plan. We determined that six members of the LAFO executive management team were present at Dodger Stadium on October 15, 2018: Delacourt, Morgan, SAC Matthew Moon, SAC Stephen Woolery, SAC Ryan Young, and Acting SAC 1 (A/SAC1). In addition, Delacourt's Special Assistant and an LAFO Management Support Analyst 1 (MSA1) were asked to attend.³ We found that, once they were at Dodger Stadium, Delacourt and his team were offered the opportunity to eat from a buffet in an exclusive part of the stadium and that five of the six LAFO executives present and two employees—Delacourt, Morgan, Moon, Woolery, A/SAC1, the Special Assistant, and MSA1—accepted this offer, and that no one from the FBI paid for this meal at the time. We also found that Delacourt and his team were offered the use of a table overlooking the baseball field in an exclusive part of the stadium and that Delacourt held his regularly scheduled LAFO weekly management meeting in this space surrounded, at times, by fans at other tables. Both using the table and partaking in the buffet violated federal ethics regulations and FBI policy prohibiting acceptance of gifts. We found that primary responsibility for these violations rests with Morgan and Delacourt. We also found that Delacourt and Morgan exercised poor judgment in accepting the use of a table

¹ (U) News reports have separately contained similar allegations regarding attendance by FBI officials at a 2018 World Series game held at Dodger Stadium. No such allegation has been made to the OIG. Nevertheless, during the course of this investigation, we interviewed a number of FBI personnel who worked the three 2018 World Series games that occurred at Dodger Stadium, as well as those individuals who raised concerns about the actions surrounding the October 15 playoff game, and found no evidence to corroborate these allegations.

² (U) The FBI determined that portions of this report constitute Law Enforcement Sensitive (LES) information. The paragraphs containing LES information have been marked to reflect the FBI's determinations.

³ (U//LES) As discussed in detail below, [REDACTED] other FBI employees were at Dodger Stadium on October 15 as part of their assigned duties to assist in providing security for the event.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

overlooking the playing field in a public area and that Delacourt exercised poor judgment in holding a sensitive FBI management meeting in that location.⁴

(U) During the course of our investigation, the OIG conducted more than 40 interviews and reviewed over 32,000 documents, including Operational Plans, meeting notes, emails, text messages, and instant messages. In Section II of this report, we detail the applicable policies and regulations that are relevant to the conduct at issue. In Section III, we provide background information about the structure of the LAFO, the FBI Special Events Program, and the physical layout of Dodger Stadium. In Section IV, we discuss the events leading up to the October 15 Dodgers game, including SAC Morgan's role in arranging management's visit to Dodger Stadium. In Section V, we describe the conduct of all FBI LAFO personnel who were at Dodger Stadium on October 15. In Section VI, we discuss the events that followed the game, including ADIC Delacourt's notifications to Deputy Director David Bowdich and FBI Office of Integrity and Compliance (OIC) Assistant Director (AD) Catherine Bruno. In Section VII, we provide our analysis of the conduct at issue. Lastly, in Section VIII, we state our conclusions.

(U) Unless otherwise noted, the OIG applies the preponderance of the evidence standard in determining whether Department of Justice (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). We have provided a copy of our report to the FBI.

II. (U) Applicable Policies and Regulations

A. (U) General Prohibition on Solicitation or Acceptance of Gifts

(U) The Standards of Ethical Conduct for Employees of the Executive Branch (Standards of Conduct) include regulations governing gifts to federal employees "that prohibit an employee from soliciting or accepting any gift from a prohibited source or any gift given because of the employee's official position, unless the item is excluded from the definition of a gift or falls within one of the exceptions set forth in this subpart." 5 C.F.R. §§ 2635.201, 2635.202. A gift is "given because of the employee's official position if the gift is from a person other than an employee and would not have been given had the employee not held the status, authority, or duties associated with the employee's Federal position." 5 C.F.R. § 2635.203(e).

(U) The FBI has incorporated the Standards of Conduct into the FBI Ethics and Integrity Program Policy Guide (FBI Ethics Guide) and provided additional FBI-specific guidance in certain areas.

⁴ (U) This report was originally issued on June 10, 2020. The FBI subsequently advised the OIG that, following its receipt and review of the report, the FBI made the decision to reassign Assistant Director in Charge Paul Delacourt, which reassignment is anticipated to occur not later than August 1, 2020. The report was updated to add the information in this footnote.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

1. (U) Applicable Definitions and Relevant Examples to the General Prohibition on Solicitation or Acceptance of Gifts

(U) Definition of a Gift: Section 2635.203(b) defines a gift as “any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of training, transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.” Section 2635.203(b) contains several items that are expressly excluded from the definition of “gift.” The following exclusions are potentially relevant to our review:

- 2635.203(b)(1)—“Modest items of food and non-alcoholic refreshments, such as soft drinks, coffee and donuts, offered other than as part of a meal.”
- 2625.203(b)(4)—“Opportunities and benefits, including favorable rates and commercial discounts, available to the public or to a class consisting of all Government employees or all uniformed military personnel, whether or not restricted on the basis of geographic considerations.”⁵
- 2635.203(b)(10)—“Anything for which market value is paid by the employee.”

(U) Definition of Market Value: Section 2635.203(c) defines “market value” as “the cost that a member of the general public would reasonably expect to incur to purchase the gift.” It adds that where the market value of a gift cannot be ascertained, the employee “may estimate its market value by reference to the retail cost of similar items of like quality.” The market value of “a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is deemed to be the face value of the ticket.” Section 2635.203 contains multiple examples related to determining market value. The following three examples are potentially relevant to our review:

- Example 2 to paragraph (c): During an official visit to a factory operated by a well-known athletic footwear manufacturer, an employee of the Department of Labor is offered a commemorative pair of athletic shoes manufactured at the factory. Although the cost incurred by the donor to manufacture the shoes was \$17, the market value of the shoes would be the \$100 that the employee would have to pay for the shoes on the open market.
- Example 4 to paragraph (c): A company offers an employee of the Federal Communication Commission (FCC) free attendance for two to

⁵ (U) The FBI Ethics Guide provides two examples to illustrate the applicability of 2635.203(b)(4). The second example states that “a ‘law enforcement’ discount to all sworn Federal, state and local law enforcement officers” does not qualify as an exclusion to the definition of “gift” under the regulations because it “is not offered to the general public or a broad enough class” of recipients.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

a private skybox at a ballpark to watch a major league baseball game. The skybox is leased annually by the company, which has business pending before the FCC. The skybox tickets provided to the employee do not have a face value. To determine the market value of the tickets, the employee must add the face value of two of the most expensive publicly available tickets to the game and the market value of any food, parking or other tangible benefits provided in connection with the gift of attendance that are not already included in the cost of the most expensive publicly available tickets.

- Example 5 to paragraph (c): An employee of the Department of Agriculture is invited to a reception held by a prohibited source. There is no entrance fee to the reception event or to the venue. To determine the market value of the gift, the employee must add the market value of any entertainment, food, beverages, or other tangible benefit provided to attendees in connection with the reception, but need not consider the cost incurred by the sponsor to rent or maintain the venue where the event is held. The employee may rely on a per-person cost estimate provided by the sponsor of the event, unless the employee or an agency designee has determined that a reasonable person would find that the estimate is clearly implausible.

(Emphasis omitted). “Free attendance” is defined as including the “waiver of all or part of the fee for an event or the provision of food, refreshments, entertainment, instruction or materials furnished to all attendees as an integral part of the event.” 5 C.F.R. § 2635.203(g).

(U) Definition of Prohibited Source: Section 2635.203(d) defines “prohibited source” as any person who:

- (1) Is seeking official action by the employee’s agency;
- (2) Does business or seeks to do business with the employee’s agency;
- (3) Conducts activities regulated by the employee’s agency;
- (4) Has interests that may be substantially affected by the performance or nonperformance of the employee’s official duties; or
- (5) Is an organization a majority of whose members are described in paragraphs (d)(1) through (4) of this section.

2. (U) Exceptions to the Prohibition for Acceptance of Certain Gifts

(U) Section 2635.204 establishes two exceptions to the general prohibition on acceptance of gifts contained in Section 2635.202. The first exception, known as the “20/50 Rule,” provides that “[a]n employee may accept unsolicited gifts having an aggregate market value of \$20 or less per source per occasion, provided that the aggregate market value of individual gifts received from any one person under the authority of this paragraph (a) does not exceed \$50 in a calendar year.”

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

5 C.F.R. § 2635.204(a). The second exception states, “[a]n employee may accept a gift given by an individual under circumstances which make it clear that the gift is motivated by a family relationship or personal friendship rather than the position of the employee.” 5 C.F.R. § 2635.204(b). Despite these exceptions, Section 2635.204 cautions that “[e]ven though acceptance of a gift may be permitted by one of the exceptions contained in this section, it is never inappropriate and frequently prudent for an employee to decline a gift if acceptance would cause a reasonable person to question the employee’s integrity or impartiality.”

(U) Notwithstanding these exceptions, Section 2635.205 prohibits, among other provisions, an employee from accepting “a gift in return for being influenced in the performance of an official act” or using the employee’s government position “to solicit or coerce the offering of a gift.” 5 C.F.R. §§ 2635.205(a), (b).

3. (U) Gifts of Free Attendance at Widely Attended Gatherings

(U) Another category of gifts exempted from the general prohibition is the gift of “free attendance at widely attended gatherings” (WAG). Section 2635.204(g)(2) defines a WAG as a gathering where: (1) “a large number of persons will attend;” (2) “a diversity of views or interests will be present;” and (3) “there will be an opportunity to exchange ideas and views among invited persons.” Section 2635.204(g) requires that an employee’s attendance at a WAG be “authorized in writing” by the employee’s agency. The FBI Ethics Guide states that all requests to attend a WAG must be sent to the FBI’s Office of Integrity and Compliance (OIC). The FBI Ethics Guide also contains the following proviso: “Generally speaking, sporting events and golf outings do not meet the requirements of a WAG and offers to attend or participate in such activities will not be approved.”

4. (U) Proper Disposition of Prohibited Gifts

(U) Section 2635.206 requires an employee to “promptly” dispose of a prohibited gift. For gifts of “intangible” items, “[t]he employee must promptly reimburse the donor the market value for any entertainment, favor, service, benefit or other intangible.” 5 C.F.R. § 2635.206(3). Section 2635.206 also includes the following guidance to employees regarding prohibited gifts:

(c) An employee who, on his or her own initiative, promptly complies with the requirements of this section will not be deemed to have improperly accepted an unsolicited gift. An employee who promptly consults his or her agency ethics official to determine whether acceptance of an unsolicited gift is proper and who, upon the advice of the ethics official, returns the gift or otherwise disposes of the gift in accordance with this section, will be considered to have complied with the requirements of this section on the employee’s own initiative.

Section 2635.206(a) notes that the “obligation to dispose of a gift” under this section “is independent of an agency’s decision regarding corrective or disciplinary

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

action under” 5 C.F.R. § 2635.106, which states that violation of these regulations “may be cause for appropriate corrective or disciplinary action.”

B. (U) FBI Alcohol Policy Guide

(U) The FBI Alcohol Policy Guide states that FBI employees may not “[c]onsume alcohol while on duty” unless “necessary for Special Agents in certain undercover or surveillance assignments.” The FBI Code of Conduct classifies “consuming a beverage containing alcohol while on duty” without authorization as misconduct. See FBI Offense Code 5.1.

III. (U) Background

A. (U) LAFO Structure

(U) The LAFO is the FBI’s third largest field office with approximately 1,400 employees and, like the two larger field offices, is led by an ADIC. Delacourt became LAFO ADIC in December 2017. As ADIC, Delacourt’s immediate supervisor is Deputy Director David Bowdich. Prior to becoming the Deputy Director, Bowdich served as the Counterterrorism SAC in LAFO from September 2012 through December 2014 and then as ADIC there from December 2014 to April 2016.

(U) LAFO is organized into five divisions: Administrative, Counterintelligence/Cyber, Counterterrorism, Criminal, and Intelligence. Each of these divisions is supervised by an SAC who reports directly to the ADIC. The SACs during the events described in this report were: Administrative—Matthew Moon; Counterintelligence/Cyber—Jennifer Boone; Counterterrorism—Ryan Young; Criminal—Voviette Morgan; and Intelligence—Stephen Woolery.⁶ The ADIC also directly supervises a small number of additional personnel within the LAFO, who are sometimes called “direct reports.” One of these direct report positions is the ADIC’s Special Assistant. The Special Assistant held this position from January 2018 through April 2019. Another direct report that is relevant for this report is the Chief Division Counsel (CDC).

(U) Delacourt convenes a weekly management meeting in his office on Monday afternoons with the five SACs, the CDC, and his Special Assistant (“the SAC meeting”). In the event a manager or the CDC is unavailable, he or she is typically represented at the meeting by a subordinate employee. The SAC meeting typically occurs at 1:00 p.m. Once a month, the weekly management meeting also includes a discussion of LAFO’s monthly Resource Management Allocation (RMA). The RMA is a report that tracks the placement of agents within the LAFO, including new hires, retirements, transfers, and promotions. Beginning in approximately March 2018, the Special Assistant was assigned responsibility for the RMA duties.

⁶ (U) Boone was on scheduled leave for the week of October 15 and one of her ASACs, A/SAC1, was Acting SAC during her absence.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

B. (U) LAFO Special Events Program

(U) The FBI provides support in preparing for and responding to special events, including “significant domestic and international activities that may attract a potential threat to national security or attract significant criminal activity for which the Bureau has jurisdiction.” The FBI staffs personnel at many major sporting, entertainment, and political events for the purpose of supporting local law enforcement in providing security and on-site assistance in the event of a crisis. In the LAFO, management and planning for these events is overseen by the “Special Events Program,” and it is part of LAFO’s Counterterrorism Division.⁷ LAFO sends personnel to between 50 and 70 special events annually, including marathons, parades, Hollywood awards shows, and college and professional sports games.

(U) LAFO’s Special Events Coordinator (SEC) has held this position since 2012, and is the “lead planner” for all special events occurring within LAFO’s jurisdiction. The SEC coordinates with local, state, and federal partners to determine what FBI resources need to be deployed for each event. The SEC’s chain of command includes SSA1, Assistant Special Agent in Charge 1 (ASAC1), and Counterterrorism SAC Ryan Young.

(U//LES) The SEC stated that she always attends “special events that are opened as a 300A”—a non-investigative “control file” in the FBI’s case file management system—and she determines whether other FBI personnel should also be deployed, such as agents, [REDACTED]

[REDACTED] The SEC stated that the number of FBI personnel at an event varies and is governed by factors such as historical practice, the overall threat rating of the event, and whether partners have specifically requested the FBI’s assistance.

(U) SSA1 told the OIG that the number of managers who attend special events varies based on the number and type of FBI employees assigned and whether higher-level officials from local and state law enforcement are present. SSA1 stated that he encourages SACs and the ADIC to show up to any event and views their presence as “important” support for those on scene. SSA1 told us that Delacourt has expressed particular interest in the Special Events Program, and Delacourt encourages the SACs to attend special events in order to give them “exposure” to the FBI’s responsibilities in that realm.

(U) According to Delacourt, he has a strong commitment to crisis management, including crisis preparation and crisis response, based on his extensive special events experience, including involvement in preparations for numerous Olympic games. Delacourt stated that he believes “executive engagement and familiarization” in crisis management are essential to the overall LAFO mission because you “never know who will be available” when a crisis occurs.

⁷ (U) The Crisis Management Unit in the Critical Incident Response Group at FBI Headquarters provides FBI Field Offices with support in preparing for special events.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

Delacourt stated that part of his "personal leadership philosophy [is] to break down silos [and] create this shared awareness."

(U//LES) According to the SEC, for Dodgers games, FBI personnel are typically only assigned to [REDACTED] games where either the Dodgers, Major League Baseball (MLB), or the Los Angeles Police Department (LAPD) request the FBI's assistance. In 2018, the SEC stated that FBI personnel worked [REDACTED]

[REDACTED] The SEC told us that the number of FBI personnel assigned to a Dodgers game also varied. The SEC was [REDACTED]

(U//LES) When the FBI determines that more than the SEC is needed at a Dodgers game, special agents are solicited to volunteer to monitor activity in and around Dodger Stadium. These agents [REDACTED]

[REDACTED] The SEC described them as being "extra eyes and ears" to assist the LAPD and Dodgers security.

C. (U) Dodger Stadium and the Stadium Club

(U) Dodger Stadium has a seating capacity of 56,000 and has seating on six different levels. In addition to normal ballpark concessions, the Dodgers offer multiple exclusive dining options within Dodger Stadium, including the Lexus Dugout Club, the Baseline Club, and the Stadium Club. LAFO executive management held their meeting during the playoff game on October 15 in the Stadium Club.

(U) The Stadium Club is on the club level of Dodger Stadium and is a private dining area with tables that can be reserved for seating. It is located on the first base side of the stadium. The Stadium Club has a large rectangular dining area with approximately three rows of tables and a lower-tiered balcony level with seats along a rail overlooking the field. Most of the tables and seats in the Stadium Club also have a view of the field. The tables in the dining area that are closest to the field are adjacent to glass doors that are usually open during games.

(U) The Dodgers website contains the following description of the Stadium Club:

Join the Stadium Club with a Full Season or Mini Plan membership! Buyers will get exclusive access to the Stadium Club, a members-only full-service restaurant and bar. Dishes are complemented by an extensive wine list and scintillating desserts. Members have the opportunity to make reservations, including seats along the rail to watch the game (when available). Come early or stay late and enjoy a

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

drink after the game. The Stadium Club opens two hours before the start of each game and the bar closes approximately a half-hour after the game. Please note that all tickets purchased in Field VIP or Field MVP sections include complimentary Stadium Club access.

The website states that “[m]emberships are available for as little as \$4 per game” and that “[r]eservations are for Stadium Club members only.” It also notes, “There are two seating times, pre-game (approximately two hours prior to first pitch) and in-game (game time).”

(U) We were told by witnesses that the buffet in the Stadium Club on October 15 included many types of food, such as a carving station for meat, shrimp, salads, pastas, Dodger dogs, pizza, and a dessert station.

D. (U) Dodger Stadium Command Posts

(U) There are two “command posts” for Dodger Stadium events that are used by local, state, and federal officials to “provide a coordinated response for public safety including law enforcement, traffic control and Fire/[Emergency Medical Services].” One command post—the “Unified Command Post” or “exterior command post”—is located outside of the stadium at the Los Angeles Fire Department’s (LAFD) Frank Hotchkiss Memorial Training Center at the base of the hill below Dodger Stadium. The exterior command post is staffed by personnel from LAPD, LAFD, the Los Angeles Department of Transportation (L.A. DOT), and other local and state officials.

(U//LES) Inside Dodger Stadium there is a second command post called the “interior command post” that is [REDACTED]

[REDACTED] The interior command post is staffed by Dodgers security and operations staff, including off-duty 911 dispatchers, and representatives from LAPD, MLB, LAFD, L.A. DOT, and the FBI. As the FBI representative, the SEC stated that she has an assigned seat inside the interior command post. Physically, the SEC described the space as “small” and often crowded and noted that it is “basically the hub of all that’s going on inside Dodger Stadium and in the parking lots” related to public safety.

IV. (U) Events Leading up to the October 15, 2018 Dodgers Game

(U) On October 10, 2018, MLB announced the start times for the NLCS games at Dodger Stadium between the Dodgers and the Milwaukee Brewers. Game 3 was scheduled to start at 4:39 p.m. (PDT) on Monday, October 15, and would be the first game of the series in Los Angeles.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

A. (U) The SEC Prepares for the NLCS

(U//LES) On October 9, the SEC began planning for the NLCS as she did other playoff games. The SEC drafted an Operational Plan ("Ops Plan") for the NLCS series.⁸ The NLCS Ops Plan stated that LAPD was "the lead law enforcement agency for the event," that the FBI would "deploy in support," and that there were "no known threats to the event." According to the Ops Plan, the FBI would "[redacted]". The SEC submitted the Ops Plan for approval on October 10 and, after being approved by the SSA and ASAC1, SAC Young approved it the following day.

(U) On October 10, the SEC emailed the draft Ops Plan to the agents and included the following admonition: "FOOD: Bring your own or purchase at the stadium." The SEC described this admonition as "standard." The SEC explained that "[t]his is a working day for them" and added, "When they come to work, do they expect the FBI to give them lunch?"

(U) On October 10, the LAPD Sergeant in charge of special events emailed the SEC and representatives of other local agencies with a request "that a representative be present from each of your shops at the [exterior command post]" for NLCS games at Dodger Stadium. Later that day, the Sergeant sent an email stating that "roll call time" at the exterior command post would be at 1 p.m. on October 15.

B. (U) SAC Morgan Initiates Plan to Move SAC Meeting to Dodger Stadium

(U) The evidence shows that on or about Thursday, October 11, SAC Morgan made arrangements for the executive management team to spend October 15 at Dodger Stadium, attending briefings, touring the interior command post, and having their SAC meeting.⁹ We discuss those events in detail below.

(U) Morgan told us that it was her idea to move the Monday, October 15 SAC meeting to Dodger Stadium. Morgan explained that she had attended the Dodgers October 4 NLDS game as a fan and, while there, had a conversation with a senior Dodgers official who handles security for the organization ("the Dodgers security representative") in which he asked her about the new LAFO ADIC.¹⁰ At the

⁸ (U) An Ops Plan is prepared for any event at which LAFO personnel are assigned to work. Among other things, the Ops Plan includes a summary of the event's mission, roles and responsibilities of individuals assigned, the event's timeline, and the FBI's deadly force policy. The Ops Plan must be approved by SSA1, ASAC1, and SAC Young prior to the special event.

⁹ (U//LES) During the course of this investigation, the OIG learned [redacted]

¹⁰ (U) Morgan told us that she was familiar with the LAFO Special Events Program because, from 2012 through 2015, she supervised that program as the LAFO Counterterrorism Division ASAC.

(Cont'd.)

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

time, Delacourt had been the ADIC in Los Angeles approximately 10 months and had never participated in a special event at Dodgers Stadium. Morgan told us that she did not have a clear recollection of her conversation with the Dodgers security representative, but she thought he “might have extended an invitation” to LAFO management to tour the Dodger’s new command post.¹¹

(U) Morgan stated that at some point during the week of October 8 she became aware that some of the other SACs had a scheduling conflict with the October 15 SAC meeting. Morgan initially told the OIG that this conflict was because some of the SACs were slated to work NLCS Game 3, but later clarified that she could not remember the nature of the scheduling conflict. Morgan stated that her “calendar looked pretty heavy” that week and she “wasn’t really amenable” to rescheduling the meeting to another day. Therefore, Morgan said that she came up with the idea of having the SAC meeting at Dodger Stadium in order to allow all of executive management to attend the special event and to have the SAC meeting at the normal time. Morgan stated that she thought this was a good option given that the ADIC and three of the SACs were new to LAFO and the speculation that the Dodgers might make the World Series, which would require the presence of executive management at Dodger Stadium. Morgan described her idea as “kill[ing] two birds with one stone.”

(U) Morgan stated that she “went and asked every SAC” about moving the meeting to Dodger Stadium. According to Morgan, “Everyone gave me the agreement, thumbs up” and “[n]o one expressed any concerns.” Morgan told us that because Delacourt was not in the office, she emailed him about the proposed change in location, an October 12 email we discuss in more detail below.

(U) In addition, Morgan stated that she thought she spoke with the Dodgers security representative on October 10 or October 11 about the arrangements. Morgan’s call logs show that she called the Dodgers security representative at 8:51 a.m. on Thursday, October 11. Morgan said that she called the Dodgers security representative “to let him know we were going to be on site” and to ask him for a conference room for the meeting.

C. (U) Other SACs’ and ASAC1’s Recollections of Initiation of SAC Meeting at Dodger Stadium

(U) Counterterrorism SAC Young stated that late in the week before the game Morgan walked into his office and stated, “[The Dodgers security representative] wanted or invited us to come out [to Dodger Stadium on October 15], wants to show us the new command post. I think it would be good if we took all the SACs.” According to Young, Morgan said that executive management would go to Dodger Stadium, “sit through the two briefings and then [the Dodgers

Morgan stated that she worked “multiple” Dodgers games during her time as ASAC. Morgan stated that she knew the Dodgers security representative and other Dodgers personnel from this prior experience.

¹¹ (U) The interior command post was renovated prior to the 2017 season.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

security representative] was going to give us a room...to then have our meeting.” Young told us that he did not feel like Morgan was asking for his input, adding that he felt like “the train [had] left the building.” According to Young, ASAC1 also was present when Morgan informed them of the plan for October 15, and that ASAC1 told Young that Morgan’s plan was not “going to [sit] well” with the SEC and SSA1, and predicted that Young “might hear about this one.”

(U) ASAC1 told us that he was not originally planning to attend the game on October 15 but since SSA1 was out of town, ASAC1 told us he decided he needed to be there “to help manage whatever was happening.”

(U) Intelligence SAC Woolery told us that Morgan asked him to come to her office and, “she introduced the idea that we would all be a part of the command post briefing, and we would have our typical Monday meeting at Dodger Stadium [on October 15], and we would get to see the new command post inside the stadium.” Woolery stated that he thought “it was a good idea,” he would “learn a lot,” and it would “be an interesting way to have a Monday meeting.”

(U) Administrative SAC Moon stated that late in the week before the game he heard from another SAC that the SAC meeting would be at Dodger Stadium on October 15 and “also we were going to get a kind of briefing about...special events.” Moon stated he did not talk directly to Morgan about it. Moon told us that he had never been to a special event and typically has little involvement with special events in his role as Administrative SAC. Moon stated that he thought it was a “good idea” to view a special event in case he had to work one in the future.

(U) According to Counterintelligence/Cyber SAC Boone, Morgan conveyed to her that Morgan thought it was important for executive management to “see where the [command post] was and what the set up looked like.” According to Boone, Morgan’s rationale for also having the SAC meeting at Dodger Stadium on October 15 was to “accomplish[] two goals at one time.” Boone told us that she “was neutral,” or indifferent, to Morgan’s proposal, but thought that “it certainly made sense.” Boone stated that she was scheduled to be on annual leave for the week of October 15-19, and she asked A/SAC1 to be Acting SAC during her absence.

(U) A/SAC1 told us that, upon learning he needed to attend the SAC meeting at Dodger Stadium on October 15, he had “[n]o reaction.” He continued, “it’s the SAC’s responsibility[,] I’m acting for her[,] [and] [t]hat’s my job.”

D. (U) Special Events Program Personnel Express Concerns to Each Other About Executive Management’s Presence at Dodger Stadium

(U) On October 11, ASAC1 informed the SEC that executive management would be at Dodger Stadium on October 15. The SEC asked for the names of who would attend so that she could arrange for credentials and stated in a text message to ASAC1, “I would hope they are there for the initial LAPD briefing.”

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

(U) The SEC stated that she was concerned about the optics of the plan given that “there’s all these other games during the season” they could have attended. The SEC stated, however, that it was “not [her] call to be questioning” the wisdom of executive management’s decision.

(U) ASAC1 told the OIG that after his conversation with the SEC, he followed up with Morgan to “clarify” who would be attending the game. In an email, Morgan informed ASAC1 that Delacourt, Young, Woolery, Moon, Morgan, A/SAC1, the Special Assistant, and MSA1 would attend. Morgan also wrote that she did not “want to burden [the SEC]” and that executive management would “be able to gain entry via coordination with the Dodger Security team.” In addition, Morgan wrote “we will follow your guidance” and that she was requesting “someone to provide a little tour of the [command post] at the Fire Station if that’s still the location.”

(U) We asked SAC Morgan why the CDC—a normal participant in SAC meetings and LAFO’s Chief Ethics Officer—was not included in her list of attendees. Morgan stated that she considered the five SACs and the ADIC to be “the main component of that meeting” and she did not consider the CDC to be “integral” because the CDC has an advisory role instead of an operational role. Morgan explained that the CDC has “a rightful place there,” but he was “not on the forefront of [her] mind.” We also asked Morgan about the inclusion of MSA1, who functioned as Morgan’s special assistant. Morgan told us that MSA1 had previously expressed an interest in attending a special event. Morgan stated that she thought this would be a good “professional development” opportunity for MSA1.

(U) We asked Morgan what she meant by not wanting “to burden” the SEC. Morgan stated that, because she used to supervise the Special Events Program, she could “make [her] own arrangements” if it was too late for the SEC to get them credentials and that she was “very sensitive” to the fact that ASAC1 now supervised the program, so she was trying to be “extremely deferential” to ASAC1.

(U) ASAC1 forwarded Morgan’s email to the SEC. The SEC replied with logistical information, such as the schedule for the event, the location of the exterior command post, and information about which local partners would be present, and she informed him that she was making arrangements for the executive management team’s credentials.

(U) The SEC told the OIG she was concerned about Morgan’s email stating that she could make arrangements for credentials directly with the Dodgers organization because, given Morgan’s prior experience with the Special Events Program, Morgan should have understood that the SEC is supposed to be the “sole point of contact” for the Special Events Program. The SEC emphasized that the system is arranged that way to keep “people from getting into trouble [for something] that they don’t need to get into trouble for.” The SEC also emailed and called her immediate supervisor, SSA1, even though he was out of town and would not be in town on October 15, to express her concerns about the arrangements for the October 15 game.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

(U) SSA1 stated that the SEC called him to let him know that executive management planned to have a meeting at Dodger Stadium and to express her concern that the arrangements were made directly with Dodgers personnel and that executive management chose to all go to Dodger Stadium on the day of a playoff game. SSA1 told the OIG that he considered executive management's planned meeting at Dodger Stadium on the day of a playoff game to be "inappropriate" because he feared it might adversely impact the mission of those FBI personnel working the game. SSA1 added, "[H]ow many regular season baseball games could we have done [the meeting] at?" SSA1 told us that he called both ASAC1 and Young to get more information about management's plans and to express his concerns with the arrangement. According to SSA1, ASAC1 told him he was aware of the concerns and commented that the SEC was "giving [him] an earful."

(U) ASAC1 stated that SSA1 called him in this time period with questions about why management was going to the game and who Morgan was coordinating with to arrange this. ASAC1 said that he told SSA1 that he did not know any of the details. According to ASAC1, since several members of executive management were planning to attend Dodger Stadium, SSA1 expressed concerns about "[w]here is everybody going and what are they doing," since "special events are where people can get in trouble so we want to make sure that we closely coordinate this...as to what everybody is doing and what the game plan is."

(U) SSA1 stated that he also called Young because Young was "relatively new to the division" and SSA1 felt one of his jobs was "to protect" Young from doing anything that could be considered inappropriate. SSA1 told Young that it was "inappropriate" for all of executive management to be at Dodger Stadium during a playoff game. According to SSA1, Young told him he understood his concerns and that he would talk to the other executives about the issue. SSA1 told us that Young "was trying to figure out how to deal with it" and added that at this time Young was "still figuring out the [] internal SAC dynamics."

(U) Young told us that SSA1 said to him that this was not handled "right" and he "didn't think [Morgan] should have coordinated this." According to Young, SSA1 stated, "This doesn't look good." Young stated that he told SSA1 he understood SSA1's concerns, but this was not Young's decision.¹² Young said that SSA1 "knew I wasn't excited for it" and "I wasn't the one pushing it."

E. (U) Morgan Obtains Delacourt's Concurrence

(U) Morgan stated that, after discussing relocating the SAC meeting with the other SACs, she told "everyone to lock it down," and that she would coordinate with Delacourt. In the morning on Friday, October 12, Morgan sent Delacourt the following email:

¹² (U) Young told the OIG that on October 12, 2018, he highlighted his concern regarding "the optics" of LAFO executive management's presence at Dodger Stadium during a conversation with Delacourt, as discussed in Section IV.G, *infra*.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

If you're in agreement, I'd like to move the location of our Monday SAC Meeting to Dodger Stadium. Monday is a play-off home game that begins at 4:40pm.

I thought it would be a good opportunity for you and the Executive Team to see the [command post] footprint LAFO provides in support of a playoff series with LAPD. In addition, the Dodger organization just built a new internal [command post] we can tour.

I made arrangements for us to have a corner table at the Stadium Club where we can hold our SAC meeting. The plan would be to meet at the [exterior command post] at 1pm and go from there.

I spoke with the SACs yesterday who were all in support of this plan if you concur.

Let me know, thanks.

(U) We asked Morgan about the language in her email stating that she had made arrangements for "a corner table at the Stadium Club." Morgan stated that she asked for a "conference room," not "a table in the Stadium Club" when she spoke to the Dodgers security representative, and that he told her, "I'll get you a corner table in the Stadium Club." Morgan stated that, since this was the Dodgers security representative's facility, she felt like she did not "have the right to ask" for something different. Given that she was familiar with the Stadium Club, we asked Morgan if she knew that management would have a view of the field during their meeting. Morgan stated the optics were "not going through [her] mind" and that she was focused on "check[ing] that box" of ensuring that they had a place to hold a meeting.

(U) Later that day, Delacourt responded to Morgan's email with, "Concur." According to Delacourt, he had not heard anything about moving the SAC meeting to Dodger Stadium until the October 12 email from Morgan and that the email was his only communication with Morgan on the issue.¹³ Delacourt told the OIG that "the sum total of thought [he] had given this was, that's a great idea" because it was an "opportunity to familiarize ourselves with the venue" and "deliver[] on our crisis management responsibilities." Delacourt, who told the OIG he had never previously worked a game at Dodger Stadium, stated that that he did not notice the reference to the Stadium Club and that he envisioned the meeting occurring in a conference room.

F. (U) The SEC Confirms Details with the Dodgers Security Representative

(U) The SEC said that, once she received the list of attendees from ASAC1, she contacted the Dodgers security representative to make him aware of the management meeting and the fact that she would be submitting more names for credentials. The SEC stated that she told the Dodgers security representative that

¹³ (U) Morgan stated she did not recall any conversations with Delacourt about holding the October 15 meeting at Dodger Stadium prior to receiving this email.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

LAFO executive management would be at the playoff game on October 15 “to have a meeting” and “view the command post.” According to the SEC, the Dodgers security representative already was aware of the plan. Thereafter, the SEC completed the steps to obtain the credentials for the eight additional FBI employees who were planning to be at Dodger Stadium.

G. (U) SAC Young Says He Informs Delacourt of Concerns about “Optics”

(U) On October 12, according to Young, Delacourt, as part of a conversation on other topics, asked Young whether there was a reason for LAFO managers to be at Dodger Stadium. Young stated that he told Delacourt that there were legitimate reasons for them to attend, such as liaising with partners, attending the briefings, and viewing the command posts. However, Young said he also mentioned to Delacourt, “I just said I guess it’s just the optics.” According to Young, Delacourt replied, “Do you have any other concerns?” Young stated that he responded, “Just the optics.” Young told the OIG that at the time he “just didn’t like what it [would] look[] like” and that his concern was that it would appear as if his subordinates were there working while he was there watching a playoff game. Young stated that Delacourt was “just kind of, like, oh okay. I got it.”

(U) Delacourt told the OIG he did not recall anyone expressing a concern to him, prior to the game, about the optics of management’s presence there. Delacourt stated that “[i]f someone has an ethical concern, I would expect them to raise it to me.”

H. (U) Final Preparations for Events at Dodger Stadium

(U) On Sunday, October 14, ASAC1 sent an email to Delacourt, the LAFO SACs, A/SAC1, the Special Assistant, and MSA1 with logistical information for the game the following day that included a tentative schedule of events:

1:00 PM – LAFO personnel arrive and attend LAPD overall briefing.

1:45 PM – LAFO personnel depart [the exterior command post] to Dodger Stadium for walk-thru and familiarization of interior Command Post.

4:39 PM – Game begins.

Morgan replied stating: “Following the [interior command post] briefing and familiarization walk-thru, we will break off and hold our SAC Executive Meeting....”

I. (U) The Special Assistant Questions Delacourt about Discussing RMA at SAC Meeting at Dodger Stadium

(U) On the morning of October 15, the Special Assistant, who prepares agendas for and attends the SAC meetings, was informed by LAFO Employee 1 that the weekly SAC meeting was moved to Dodger Stadium. The Special Assistant stated that she called Delacourt to ask if he was still planning to discuss the RMA,

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

which was scheduled to occur at this SAC meeting.¹⁴ The Special Assistant told the OIG that because the RMA “has people’s names on it,” she was concerned about “logistically” how the group would discuss personnel information in a public setting. The Special Assistant stated that Delacourt told her to bring the RMA with her.¹⁵ Later that morning, the Special Assistant exchanged text messages on her FBI-issued cell phone with a friend—who is not an FBI employee—about her upcoming trip to Dodger Stadium and stated, “so we’re having our [executives] meeting there so they can stay and watch the game after.” The Special Assistant told the OIG that she was joking with her friend, but was also concerned that “they wanted to stay and watch the game.” The Special Assistant stated that Woolery told her beforehand that “he wanted to stay and watch the game.” The Special Assistant told us that she overheard no similar comments from any of the other executives, but “she kind of assumed that like, [Woolery] wasn’t the only sports fan in the group.”

J. (U) CDC’s Absence from Dodger Stadium

(U) The CDC also did not learn about the SAC meeting being moved to Dodger Stadium until the morning of October 15. LAFO Employee 1 informed the CDC at 11:35 a.m. via instant message that the SAC meeting was being held at Dodger Stadium and that he “d[id] not have to go to the SAC meeting.”¹⁶ LAFO Employee 1 also wrote that the managers were going to “do a walk through the stadium in prep for possible world series.” LAFO Employee 1 stated that she reached out to the CDC because “[h]e’s sometimes forgotten.” LAFO Employee 1 also noted in her message to the CDC, “I just think [this] is bs.” LAFO Employee 1 told the OIG she thought to herself, “[W]hy did...all of them have to go to Dodger Stadium?”

(U) The CDC told us that he did not know the SAC meeting had been moved to Dodger Stadium until he received the instant message from LAFO Employee 1. The CDC stated that he was “grateful that [he] didn’t have to attend” the meeting because it “freed up [his] time to handle other matters.” The CDC said that he did not think too much about the fact that the SAC meeting was being held at Dodger Stadium because it was phrased by LAFO Employee 1 as part of a tour of the command post.

(U) The Special Assistant told us that, during her phone call with Delacourt on the morning of October 15, Delacourt asked her to make sure everyone was aware of the location change for the meeting. According to the Special Assistant, she contacted all of the SACs or his or her acting. She stated that she could not

¹⁴ (U) As previously discussed, the RMA is a monthly report that tracks the placement of agents within the LAFO, including new hires, retirements, transfers, and promotions.

¹⁵ (U) Delacourt told us that he did not have a recollection of this call.

¹⁶ (U) FBI employees have the ability to communicate internally via Microsoft Lync instant messages when logged on to their FBI workstations.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

recall contacting the CDC and that if she failed to contact the CDC, it was just an oversight and “not intentional.”

V. (U) Events at Dodger Stadium on October 15, 2018

(U) The first pitch for NLCS Game 3 was scheduled for 4:39 p.m. on October 15 at Dodger Stadium. The SEC requested that all FBI personnel arrive at the exterior command post by 1 p.m. in order to participate in the pre-game briefings by LAPD and LAFD for the event and for her briefing of the FBI agents.

(U//LES) In total, [REDACTED] FBI personnel were present at Dodger Stadium on October 15. As noted above, [REDACTED] of these individuals had been identified in the Ops Plan as working the event: [REDACTED] Eight other attendees were part of the executive management team: ADIC Delacourt, SAC Morgan, SAC Woolery, SAC Young, SAC Moon, A/SAC1, the Special Assistant, and MSA1. As noted above, the last attendee, ASAC1, told us that he was not originally planning to attend the game on October 15 but since SSA1 (the SEC’s direct supervisor) was out of town, he decided to attend the event once he learned that the executive management team would be present in order “to help manage whatever was happening.”

A. (U) Exterior Command Post Briefings

(U) Two briefings were held at the exterior command post on October 15, 2018—LAPD’s unified command briefing that began at approximately 1:00 p.m. and that lasted approximately 30 minutes, followed by an FBI-only briefing led by the SEC. We determined that both briefings concluded between 1:45 p.m. and 1:50 p.m. Delacourt told us that he arrived early and spoke with the LAFD battalion chief and the LAPD on-scene commanders. Delacourt stated that he also spoke to a Department of Homeland Security (DHS) supervisor assigned to the event.

(U) We determined that, except for SAC Moon, all of the FBI employees who were at the Stadium that day were present for the entirety of both briefings at the exterior command post. Moon told us that he arrived late to the Stadium and was present for at least some of the SEC’s FBI-only briefing at the exterior command post. Moon told the OIG that he informed SAC Morgan in advance that he would be late, and he said that when he arrived, the FBI employees “were already kind of huddled up...in a briefing” that the SEC was leading, and which we concluded followed the LAPD briefing. Moon said that the SEC handed him his credentials when he walked up to the meeting. Other witnesses confirmed that Moon was late to arrive to Dodger Stadium, though two of those witnesses recalled Moon arriving prior to the SEC’s FBI-only briefing.¹⁷ As we describe in our analysis, the precise

¹⁷ (U//LES) SAC Morgan told the OIG that the briefing consisted of “hundreds of people,” that she did not take “roll call,” but that she thought that Moon was late. The SEC, when asked by the OIG why she had not recorded on a “roster” that she used to “check people in” that Moon had arrived, stated, “I believe that he arrived a little bit later.” The SEC further stated, when describing her role at the Unified Command Briefing, that she advised the larger group that there were no known threats to

(Cont’d.)

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

time of Moon's arrival at the Stadium did not affect our analysis of his conduct under applicable ethics rules.

1. (U) Unified Command Briefing

(U) At approximately 1 p.m., LAPD began a unified command briefing, or "all hands" briefing, at the exterior command post that included personnel from all of the agencies working the event, including LAPD, LAFD, L.A. DOT, and the FBI who discussed traffic control plans, positioning of undercover law enforcement, and contingency plans in the event of a natural disaster. The SEC described the FBI's role at the event and the threat assessment that had been prepared, noting that there were "no [known] threats to the event or venue." The SEC also introduced the agents and FBI executive management to the group. Following the introduction, both Delacourt and Young delivered brief remarks.

2. (U) The SEC's Briefing for FBI Personnel

(U//LES) Immediately after the unified command briefing, the SEC gathered the FBI personnel who were present for what was her usual FBI-only briefing. The SEC stated that she reviewed the Ops Plan, passed out credentials to all ■ FBI employees, and emphasized to everyone that "[t]his is a working day for you." Moreover, during her briefing, the SEC stated that she told everyone that "the access credentials" do not "allow you to have a seat" in the stadium. The SEC told the OIG her standard briefing includes a warning about food and that she told the FBI employees, "We're not allowed to eat any of the food here," except for the hot dogs that the Dodgers provide at the exterior command post. The SEC added that she specifically told everyone to not eat food in the Stadium Club. According to ASAC1, the SEC gives this admonition to FBI personnel "because we don't want to give the appearance that the FBI is walking up and eating free food at a buffet."

(U) SAC Young, MSA1, SAC Woolery, and A/SAC1 told the OIG they recalled the SEC discussing food during her October 15 briefing. According to Young, the SEC told the group, "If you want food, you can buy food or you can, I think, eat Dodger dogs" at the exterior command post. Young added that the SEC specifically told them, "[L]isten, there's food [that's provided in certain areas], but that's not for you." A/SAC1 stated that the SEC specifically told the group not to eat the food in the stadium. SAC Moon told the OIG that, during the portion of the SEC's briefing that he heard, he did not recall the SEC making statements about food. Delacourt stated that he did not remember if the SEC mentioned that they needed to buy food, but added that "it would not surprise" him if she did. Morgan stated

the event or venue; that she introduced the agents who were working at the game; and that, after stating that her executive management was in attendance to observe the exterior and interior command posts, she introduced each of the SACs and described his or her role in the FBI. The SEC also told us that she provided credentials to all ■ of the FBI employees following the unified command briefing. Another witness, ASAC1, when asked whether SAC Moon was present when the Unified Command Briefing began, told the OIG, "Right around there. I just remember looking over and seeing him at one point in time."

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

that she did not recall the SEC specifically mentioning the need to buy food, but “she may have.”

(U) According to witnesses, the briefings at the exterior command post lasted approximately 45 minutes, and FBI personnel likely departed the exterior command post between 1:45 and 1:50 p.m.

B. (U) Entry into Dodger Stadium

(U//LES) A Dodgers employee met the group at the entrance to Dodger Stadium and escorted them inside the stadium. The FBI group was escorted directly to the Stadium Club, which, as noted previously, [REDACTED] within Dodger Stadium. At the entrance to the Stadium Club, another Dodgers employee met them and gave the eight members of the executive management team—but not the SEC and ASAC1—white tape wristbands, similar to the type used at concerts and other venues. Some members of the executive management team told us that they were unsure what the wristbands signified, assuming at least initially that it simply granted them access to the Stadium Club area. However, according to Young, the Dodgers employee told the group at some point later in the day that the wristbands gave the group “access to the buffet.”

(U//LES) The Dodgers employee then escorted the FBI group inside the Stadium Club to a table and told them it was their table. The FBI’s table was located immediately adjacent to the glass doors that were open, providing an unobstructed view of the field. A “Reserved” placard was on the table along with place settings. This table was located approximately in the middle of the rectangular dining area, [REDACTED]

(U//LES) According to the Special Assistant, when the group was first shown to the table, she overheard Delacourt say, “I thought we were going to be in a conference room.” Delacourt told us he did not recall his initial reaction when he realized the SAC meeting would be held at a table inside of the Stadium Club rather than in a conference room. However, Delacourt told the OIG that, before arriving at the stadium, he was expecting and “would have preferred” a conference room. Delacourt recalled during his OIG interview that [REDACTED]

[REDACTED] When asked whether it would have been a better idea to decline the table in the Stadium Club for the meeting, Delacourt stated that he [REDACTED] Delacourt continued, “The Stadium Club—if there was an event, a mass casualty event, they close [the] Stadium Club, and it—all those tables would be the command post.”

(U//LES) When asked whether having a seat in the Stadium Club was the equivalent to a ticketed seat for the game, Delacourt stated, “I wasn’t there to watch a baseball game” and that being there was “part of the FBI on-scene crisis management—familiarizing ourselves for the [REDACTED] potential high-profile

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

events.”¹⁸ Delacourt also contrasted the differing roles of agents and executives, noting that the “role of the [agent] [REDACTED] [REDACTED] the Dodgers security representative. Delacourt emphasized that “[t]here were empty tables within the Stadium Club” and “[n]o one was put out.” Nevertheless, Delacourt acknowledged that “[t]he tables were mostly—but not completely—filled at game time.”

(U) Morgan stated that when she first saw the table, she brought up its location with one of the Dodgers employees who was escorting the group. Morgan stated that she asked if they could “have something on the side” because “we’re going to have to do a meeting.” According to Morgan, the Dodgers employee replied, “No, [the Dodgers security representative] put you here” and “this was the best location [for eight people].” Morgan stated that she made this request because she “was concerned about noise and talking.” Morgan described the fact that the FBI was given a table in the Stadium Club as an “unusual” situation and stated, “We would have never had a table or sat down if we had not had the SAC meeting.”

C. (U) Interior Command Post Briefing

(U//LES) The eight members of the executive management team, accompanied by the SEC, then entered the interior command post. The Dodgers security representative provided a detailed briefing about the interior command post, including the responsibilities of everyone assigned to the interior command post during the game and the times before and during the game that incidents were most likely to occur. Other topics discussed included [REDACTED]

[REDACTED] The Dodgers security representative spoke at length about the evolution of the security approach at Dodger Stadium, with reference to specific past incidents. FBI executives also asked the Dodgers security representative numerous questions during this briefing. Witnesses told us that the executive management team was inside the interior command post from 30 minutes to an hour.

(U//LES) While the rest of the executive management team was still in the briefing with the Dodgers security representative, Woolery [REDACTED] began eating pizza from the buffet. Woolery acknowledged doing so during his OIG interview, and told the OIG that he assumed that eating at the buffet had been “vetted” through the CDC and the FBI’s Office of Integrity and Compliance. Although Woolery told us that he was “pretty sure” he remembered the SEC telling the group, “[D]on’t eat the food,” he explained, “[T]hat’s what surprised me when we actually made it to the club level is that there were place settings. So, I thought, oh, she must mean somewhere else.... [Such as] the Dugout Club area.”

¹⁸ (U//LES) [REDACTED]

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

D. (U) Delacourt and Morgan Discuss the Dodgers Security Representative's Offer of the Buffet

(U) According to Delacourt, at the end of the briefing, the Dodgers security representative told them that they were welcome to eat at the buffet in the Stadium Club. According to Delacourt, he did not recall exactly how the use of the buffet came up, but Delacourt said that he specifically recalled the Dodgers security representative saying, "I'd make this available to all officer—all—all law enforcement officers." Delacourt told the OIG that this "offer[] of hospitality" was "sort of sprung on [them]" while they were in the briefing with the Dodgers security representative. At the same time, however, Delacourt described the Dodgers security representative as having made the "offer" when others were engaged in side conversations with the Dodgers' cyber security representative. In addition, Delacourt stated that the Dodgers security representative "said [something] more specific to" Morgan, but that he did not hear what was said to Morgan.

(U//LES) Morgan stated that she asked the Dodgers security representative how much the food cost, and he told her there was "no fee attached to it." Morgan stated that the Dodgers security representative told her that he "offer[ed the buffet] to whoever's [REDACTED] and that it was a "thank you" for "the people we give access [to the Stadium Club]." According to Morgan, she asked the Dodgers security representative whether the buffet was provided to "executives" or "VIPs," and he said it was for "long term kind of people that have supported the Dodgers" with "loyalty throughout the years." When asked why she questioned the Dodgers security representative regarding the buffet cost, Morgan stated that she had not been to the Stadium Club "in a long time" and she was "trying to figure out" if "there was a cost" because then they would "need to pay for it."

(U//LES) As the executive management team [REDACTED], Delacourt and Morgan told us that they paused [REDACTED] and discussed the Dodgers security representative's offer. Morgan stated that she raised the issue of food with Delacourt and told him about her conversation with the Dodgers security representative. Morgan stated that she also told Delacourt about a prior visit to Dodger Stadium when she had eaten in the Stadium Club. According to Morgan, in approximately 2005 or 2006 when she was an LAFO SSA who reported directly to the then-ADIC, she accompanied the ADIC to a meeting inside the Stadium Club. Morgan stated that she believed they were also accompanied by other SACs and an ASAC. Morgan stated that everyone who was part of that meeting "partook" in the food and her understanding was that the CDC at the time approved of the event and may have even participated in it. Morgan stated that she told Delacourt that her prior meal in the Stadium Club "had been approved." We asked Morgan if she considered calling the CDC for approval on October 15 given the involvement of the CDC in approving the past event. Morgan stated, "The CDC had already weighed in from the prior time I was there.... [It's] the same situation. So in my mind it had already been approved."

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

(U) Morgan stated that she told Delacourt that as ADIC it was “his call” on whether they should accept the Dodgers security representative’s offer of food. Morgan stated that she and Delacourt concluded that the food “was within scope.” Morgan told us that her primary concern was to make sure “we were [not] receiving any type of special treatment” and the Dodgers security representative’s response satisfied that concern. When asked whether the response from the Dodgers security representative—that the Stadium Club buffet had no cost—made sense, Morgan said it did because she did not see anyone being charged to enter or eat in the Stadium Club. Morgan told the OIG she understood the Stadium Club buffet to be comparable to receiving complimentary perks when one is a frequent guest at a Las Vegas hotel.

(U//LES) Delacourt stated that he and Morgan discussed the ethics of accepting the Dodgers security representative’s offer of food [REDACTED]. According to Delacourt, he and Morgan weighed the following factors: (1) The buffet “was open to other law enforcement officers;” (2) “The other patrons [were] not paying;” (3) “There’s no bill;” (4) “There’s no cash register;” and (5) “[T]he awkwardness of sitting there, holding a meeting at this table from the restaurant and not eating.” We asked Delacourt whether he and Morgan discussed calling the CDC or OIC for advice, and he said that they did not. Delacourt told the OIG that he and Morgan also did not consult with the other SACs.

(U) We asked Delacourt specifically about his comment that the buffet was open to other law enforcement officers. According to Delacourt, the Dodgers security representative “specifically said it’s open to law enforcement officers.” Delacourt stated that he saw “at least one” LAPD employee at the buffet.

(U) Delacourt stated that the others were already seated when he and Morgan returned to the table. Delacourt added, “When I sat down at the table, some of them had already done their own legal analysis,” meaning that “some people” at the table were already dining. Delacourt stated that he told the others at the table that he and Morgan had discussed the issue and “we think we’re okay.” Delacourt stated no one at the table expressed any concerns with the decision.

E. (U) Weekly SAC Meeting

(U) Delacourt began the SAC meeting in the Stadium Club with the 5 SACs, the Special Assistant, and MSA1. ASAC1 was inside the interior command post during the meeting assisting the SEC with special events duties. According to a spreadsheet maintained by the Special Assistant documenting the length of topics covered at the SAC meetings, the meeting lasted for exactly 65 minutes. Based on the testimony of the FBI personnel in attendance, we estimate that the meeting ended just before 4:40 p.m., which was the time that the playoff game started.¹⁹

¹⁹ (U) Delacourt had previously instructed the Special Assistant to keep detailed records about the time spent on each topic during the SAC meetings. According to the Special Assistant’s “SAC Meeting Time Tracker” spreadsheet, SAC meetings last on average 2 hours and 16 minutes.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

(U//LES) According to several witnesses, the Stadium Club began to fill up with patrons during the course of the meeting and the noise level increased. As noted above, the table where the FBI executives were sitting was not in a private area but rather was surrounded by tables available to other patrons, except for the side of the table that was adjacent to the glass doors facing the playing field and overlooking the balcony-level seating. Witnesses also stated that a server came to the table throughout the meeting to refill water glasses. The SEC and ASAC1, [REDACTED] told the OIG that they did not overhear any of the meeting. The SEC stated that she observed the FBI executives "really kind of scrunching in...what [she] perceived as trying to hear what each other was saying."

(U) When asked if she believed this was an "appropriate setting to hold the weekly SAC meeting," Morgan responded, "Under the circumstances, absolutely... in the sense that we were killing two birds with one stone." Morgan further stated that "we're all senior folks where we would be cautious, and we understand our environment, to have appropriate discussions." Morgan added that "of course, the only caveat" was "we could not talk about classified information."

(U) Similarly, Delacourt told us that while he thought it was "going to be unusual" to hold a meeting in that environment, he knew that "they were aware of the environment," discussed nothing classified, and anything operational "would have been carefully discussed" so that there "would have been no names or personal information or other things that were...sensitive." We asked Delacourt if he considered asking the Dodgers security representative for a conference room. Delacourt told us that he did not consider asking the Dodgers security representative for a conference room and added that such a request would have been "rude" and "awkward." Delacourt told the OIG he would have canceled the meeting before asking for a different location.

(U) The Special Assistant told us that she prepares an SAC meeting agenda in advance of each meeting. According to the Special Assistant, the agenda has standard entries such as "Calendar Review" and "Division Updates" and that the rest of the agenda is based on upcoming events and meetings that impact the LAFO. The October 15 agenda contained entries under "General Topics," such as "SAC Conference Debrief," the upcoming "California SAC Meeting," "Leadership Academy," and "Management Retreat." Before the meeting started, the Special Assistant passed out a copy of this agenda to everyone at the table.

(U) The Special Assistant told us that SAC meetings in which the RMA is going to be discussed typically begin with the RMA and that therefore at the October 15 meeting she handed out the RMA document along with the meeting agenda.²⁰ Because she was "concerned" about talking about personnel stuff and names out in the public," the Special Assistant said she suggested that they discuss

²⁰ (U) The RMA was a 2-page document that contained the names of 37 FBI agents and information such as their current positions, their new positions, and the effective date of those moves. Brief notes were included regarding certain employees as well, such as "hardship," "promotion," and "extensive criminal exp[erience]."

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

the RMA at a later date. According to the Special Assistant, the others agreed that the RMA should be rescheduled and the group moved on to the SAC meeting agenda.

(U) According to witnesses and meeting documents, after the postponement of the RMA, the meeting proceeded as set out on the agenda. In keeping with his usual practice, Delacourt took notes at the meeting. We discuss each topic in turn.

(U) The "Calendar Review/Sync," which lasted approximately 13 minutes, was a general discussion among the executives about leave and travel status and, according to Delacourt, included a discussion of which executive will attend or be responsible for a certain event, training, or meeting.

(U) The Counterterrorism update lasted only 15 seconds. According to SAC Young, he told the group "I can't do [operational updates] here" and Delacourt responded by stating, "[T]hat's a good answer."

(U) For the Criminal update, which lasted approximately 3 to 4 minutes, Delacourt's notes state: "Takedowns in Oct. (10/30, 11/7)." Morgan told us she could not remember what she briefed, but added that she "routinely" briefs takedowns—a reference to arrests and searches typically involving personnel from across the division—at SAC meetings. Morgan explained that these briefings would not involve the "details of an operation," but would be about ensuring the other SACs were aware of where personnel were going to be. Delacourt told us he did not recall any details from Morgan's briefing, but stated that this would typically include information such as the FBI squad involved, "the nature of the takedown," whether specialized personnel such as the SWAT team would be involved, "whether the indictments were complete," and if there would be a press conference. Delacourt reiterated that they knew that they "were in a public space...so everybody would have been a little more circumspect" during their discussions.

(U) For the Counterintelligence/Cyber update, which lasted approximately 2 minutes, A/SAC1 told us he did not recall specifically what he said except for making a general reference to "the issue we briefed last week" and stating that he could provide information about "their classification level" later. Delacourt's notes indicate that A/SAC1 reported on an upcoming Cyber training, that two agents were traveling, and that there were some employees contesting their performance appraisal report (PAR) ratings.

(U//LES) For the Intelligence update, which lasted approximately 7 minutes, Delacourt's notes indicate that Woolery reported that September was the "best month" for [REDACTED] and that there were [REDACTED] new confidential human sources (CHS). Woolery stated that he discussed that the FBI had [REDACTED] that he was reporting the number of new sources for LAFO in the month. Woolery stated he also discussed the LAFO's [REDACTED] initiative, which [REDACTED]

[REDACTED] Woolery stated that he told the

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

group that he was of the opinion that some LAFO squads—specifically [REDACTED]
[REDACTED]
[REDACTED] Woolery stated that he did not “think people liked” his [REDACTED] because “[t]here was a bit of silence” after he made the comment. Delacourt stated that his understanding of his [REDACTED] entry in his notes was that Woolery reported that LAFO “opened up” [REDACTED] CHSs in the last month. Delacourt added that they would not have discussed “overall numbers [of CHSs]” due to the sensitivity of that information. Delacourt’s notes also indicate that Woolery briefed information relating to HUMINT, or Human Intelligence. Under HUMINT, Delacourt’s notes contained the following entry: “New measures for IIR Velocity.” Delacourt stated that this referred to “a new fiscal year measure to track how fast field offices are getting intelligence from collection to the publication.” Woolery told the OIG that this initiative related to the speed at which IIRs, or information obtained from CHSs, is drafted and disseminated as an intelligence product.²¹

(U) For the Administrative update, which lasted approximately 4 minutes, Moon stated that he spoke about the need to “spend your money” by the end of the fiscal year. Moon stated that he likely spoke about the status of various construction projects and other administrative issues.

(U) For the Special Assistant update, which lasted approximately 3 minutes, the Special Assistant stated that she could not recall specifically what she talked about, but given that this was at the end of the fiscal year, she believed her briefing centered around performance plans, PAR deadlines, and similar matters. Delacourt’s notes do not indicate what topics the Special Assistant discussed.

(U) For the “General Topics” discussion, which lasted for approximately 33 minutes and took up the bulk of the meeting, Delacourt did most of the talking about the items listed, such as the SAC Conference and the agenda for an upcoming meeting with the FBI SACs of San Diego, San Francisco, and Sacramento.

F. (U) Stadium Club Buffet

(U//LES) As noted earlier, Woolery started eating from the buffet prior to the SAC meeting, [REDACTED]. According to witnesses, Woolery continued to eat during the SAC meeting. SAC Moon also ate during the meeting. Moon, like Woolery, told the OIG that he assumed “everything was worked out” in advance of their arrival to Dodger Stadium.

²¹ (U//FOUO) As noted in the Introduction, the FBI determined that certain information contained in this report is Law Enforcement Sensitive (LES). According to the FBI’s Law Enforcement Sensitive Information Policy Directive and Policy Guide (LES Policy Guide), [REDACTED]
[REDACTED] The LES Policy Guide also states that “[v]erbal discussion of LES...material outside of accredited areas must be avoided when operationally feasible.” See § 4.5.4.2. The FBI identified some of the information Woolery provided in his Intelligence update as LES information.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

(U) At the conclusion of the SAC meeting, Delacourt, Morgan, A/SAC1, the Special Assistant, and MSA1 dined at the Stadium Club buffet.

(U) We asked the Special Assistant and MSA1 if they had any concerns about eating at the buffet. The Special Assistant stated that “it didn’t seem like under the FBI ethics rules that we would be allowed to eat something like this” but that she “got a plate” when “one of the SACs” said that it was okay for them to eat. MSA1 stated that he “figured” management had “already discussed” and “already cleared it.” MSA1 told us that he recalled some question arising about payment around the time the group began to get food. According to MSA1, Morgan told him that they would “talk about payment later.” A/SAC1 said he first realized that there may be an ethical issue concerning executive management’s attendance at Dodger Stadium when he received Delacourt’s email on October 16, 2018. A/SAC1 further explained, “before I received [Delacourt’s] email...I didn’t think about it.”

(U//LES) SAC Young did not eat any food. Young told us that he did not eat for two reasons. First, Young stated that he did not want any food because he had already eaten lunch and that his wife was making dinner at home. Second, Young stated, “I had, you know, the [] agents [REDACTED] and I just thought—I didn’t think it looked good.” Young added that he did not think about the food in ethical terms at the time, but he simply did not “like the optics” of it.

(U) SA1 told the OIG that she and SA2 did not utilize any of the amenities in the Stadium Club, including the food, because she felt like it would have been “leveraging” or “taking advantage of [their] position” as law enforcement officers. SA2 said that he knew that he was not permitted to partake of the buffet. ASAC1 also did not eat from the buffet and told us that he just assumed that Morgan had obtained the necessary approvals for the management team to do so.

G. (U) FBI Personnel Movements during the Game

(U//LES) In this section, we describe the actions of all FBI personnel present and on duty during the game. The game began at 4:40 p.m. and ended at 8:05 p.m. At 4:40 p.m., the SEC sent an email to the agents and most of LAFO executive management stating that both the Los Angeles Mayor and the LAPD Chief of Police were at the game and identifying the suites in which they were located. The SEC told us that she spent most of the game inside the interior command post. The agents [REDACTED] and checked in with the SEC by email at the top of every hour throughout the game. No security incidents occurred during the game.

(U) When the game began, all eight members of the executive management team were at the table in the Stadium Club overlooking the playing field. Delacourt stated that their location gave them the opportunity to “view the large crowds” for the national anthem and the first pitch, which Delacourt considered to be the most “high-risk moment” of the game.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

1. (U) Young, Moon, and the Special Assistant Depart Dodger Stadium

(U) Young told us that he was ready to depart the stadium immediately after the SAC meeting ended because he felt the optics of FBI personnel sitting at a table in the Stadium Club watching the game “were terrible,” but thought it would be “awkward” to leave before the end of the “duty day” at 5 p.m. Young stated that he stayed at the table until he left shortly after 5 p.m. Moon and the Special Assistant both stated that they considered their workday complete at the same time and that they were ready to depart Dodger Stadium. Moon and the Special Assistant told us that they asked Young to give them a ride to their cars, which were parked at the exterior command post, and they left with Young. According to the Special Assistant, Woolery told everyone at the table, “I want to stick around and watch the game.”

2. (U) ASAC1, Delacourt, Morgan, and MSA1 View Stadium Security Areas and Visit to LAPD Police Chief

(U//LES) ASAC1 stated that he remained in the interior command post from the beginning of the game “until the end of the third inning or so.” ASAC1 told us that when he [REDACTED] [REDACTED] Delacourt, Morgan, Woolery, A/SAC1, and MSA1 were at the table overlooking the playing field and the group appeared to be breaking up. ASAC1 told us that he informed Delacourt that the LAPD Chief was at the game and “that we should probably go and say hello.” ASAC1 stated that Morgan and MSA1 decided to join them. ASAC1 stated that because earlier that day there had been a discussion about doing a familiarization walk-through of Dodger Stadium, he decided to conduct a walking tour of the stadium on their way to see the LAPD Chief.

(U) As the group walked through numerous corridors within Dodger Stadium, ASAC1 identified various egress and access points, emergency incident response routes, and restricted access areas. The walk-through lasted approximately 30 to 40 minutes.

(U) When the group eventually arrived at the suite where the Chief was watching the game with his family, the FBI executives introduced themselves and spoke with the Chief for approximately 15 minutes about the level of the LAPD presence at the game and what functions the various personnel were performing, as well as past incidents that had occurred at Dodger Stadium. According to Morgan, the Chief invited them to watch the game, but they declined.

(U) According to witnesses, ASAC1, Delacourt, and MSA1 returned to the Stadium Club around the sixth inning. Morgan separated from the others to get a shirt for a family member.

(U) A/SAC1 stated that when the others departed the table for the walk-through, he left the Stadium Club and visited a non-FBI friend who was at the game. A/SAC1 returned to the Stadium Club around the time that the others returned from the walk-through.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

3. (U) Woolery Consumes an Alcoholic Beverage in the Stadium Club

(U) Woolery told us that he decided to remain at the table once the others departed with ASAC1 and added that he “was the only one left at the table.” Woolery said that he stayed behind in order to watch everyone’s belongings and because he had recently had [REDACTED]. We asked Woolery what he did after the others left and he replied, “Watch[ed] the game.” Woolery also told the OIG that while the others were gone, he ordered, paid for, and consumed an alcoholic beverage. According to Woolery, he “was very discrete” and “knew that there had been a shift change with the waiters and waitresses.” Woolery told us that he had finished the drink by the time the others returned from the walk-through. We did not find evidence that any other FBI employee consumed alcohol at Dodger Stadium.

4. (U) Departures from Dodger Stadium

(U) The evidence shows that ASAC1 and Delacourt left the stadium in approximately the seventh inning. ASAC1 told us that before he left, he checked with Woolery to see if Woolery also wanted a ride to his car, which was parked at the exterior command post. According to ASAC1, Woolery indicated that he would “catch a ride” with the SEC. The evidence shows that Morgan, A/SAC1, and MSA1 left the stadium shortly after ASAC1 and Delacourt.

(U) The evidence shows that Woolery left with the SEC in approximately the eighth inning and that the SEC, who was parked close to the stadium, drove Woolery to his car, which was parked at the exterior command post. The SEC told us that during the drive to the exterior command post, Woolery asked if the credential he had been given would allow him to go to other playoff games. The SEC told the OIG that she advised Woolery that the credential would get him into the stadium but that he should not use it just to watch a game. The SEC told the OIG that she was surprised that an SAC, especially one who used to supervise special events, would make such a statement.²² Woolery told the OIG that he did not recall this conversation with the SEC. Woolery drove home in his government vehicle.

VI. (U) Events Following the October 15, 2018 Dodgers Playoff Game

A. (U) The CDC Expresses Concerns to Delacourt on October 16

(U) On the morning of October 16, 2018, the CDC sought to speak with Delacourt to express his concern that LAFO management had violated ethics rules about gifts and sporting events by attending the playoff game the previous day. The CDC stated that he wanted to speak with Delacourt about the issue because he “wanted to get to the bottom of it” and “hear from him exactly what occurred.” The

²² (U) From May 2015 through August 2017, Woolery was the LAFO Counterterrorism Division SAC and, in that capacity, oversaw the LAFO Special Events Program.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

CDC was alerted to the prior day's events when he contacted LAFO Employee 1 to find out Delacourt's schedule, and LAFO Employee 1 informed him that SAC Young had expressed concerns to her earlier that morning about management's trip to Dodger Stadium the prior day. LAFO Employee 1 told us that when SAC Young first arrived at work on October 16, he told her that management (including Young) had gone to Dodger Stadium and sat "near the window and watched the game," and that they had also "been given lunch at the club." LAFO Employee 1 stated that she told Young that he "needed to self-report to" the CDC.

(U) The CDC told us that, while on his way to Delacourt's office that morning to speak with Delacourt, SAC Young stopped him, expressed concern to the CDC about what had occurred the day before at Dodger Stadium, and informed the CDC that Young had left the stadium as soon as he could and did not eat from the buffet. The CDC said that, after speaking with Young, he proceeded to Delacourt's office and had a conversation about management's attendance at the playoff game. The CDC stated that he drew a comparison between the trip to Dodger Stadium and the situation involving a former LAFO SAC.²³ The CDC told us he emphasized to Delacourt that this was "a very serious matter" and "could jeopardize their careers."

(U) According to the CDC, Delacourt defended his presence at the baseball game as "directly related to his official duties in regards [sic] to crisis management in special events." According to the CDC, Delacourt explained to him that management had attended a security briefing, received a tour of the new command post, and then conducted their weekly management meeting. The CDC stated that he tried to stress to Delacourt "how inappropriate this was" and why it needed to be reported to FBI Office of Integrity and Compliance (OIC) Assistant Director (AD) Catherine Bruno and Deputy Director Bowdich. The CDC described Delacourt as "receptive" to his advice and added, "I left his office believing he understood what I said." According to the CDC, Delacourt also "asked if it would be appropriate for [Delacourt] to send an email to all who attended" about these ethical issues. The CDC stated that he told Delacourt "that would be a great start."

(U) Delacourt told the OIG that the CDC entered his office the morning after the game and "the first thing he said is, we have another [former LAFO SAC] situation on our hands." Delacourt stated that he felt the CDC "immediately began looking at this with a microscope without any of the facts" and had "already passed judgment before he asked me a single question." Delacourt stated that he did not agree with the CDC's "analysis" that the executives who were at Dodger Stadium needed to pay the "fair market value" for NLCS "luxury suite" tickets, which according to Delacourt, the CDC stated would be \$500 per person. According to Delacourt, he "began to question why [the CDC] was unfamiliar after 8 years in Los Angeles with the crisis management expectations of" LAFO. Delacourt stated that

²³ (U) "Former LAFO SAC" was a former LAFO SAC who resigned from the FBI after an OIG investigation found he violated government ethics rules by accepting tickets to a National Basketball Association event, lacked candor under oath, and engaged in numerous other FBI Code of Conduct violations. For privacy reasons, we have anonymized the former SAC's name in this report.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

he tried to explain to the CDC that management's "efforts were legitimate and forthright and conscientious." Delacourt stated:

I think it's incredibly relevant that we were there 4 or 5 hours before the game, in our suits, not our Dodgers gear, at the all-hands event, meeting all the people, giving the remarks, having the conversations. Like, I mean, the idea that I've developed this crisis management philosophy and responded to all these events over the course of 7 years as an executive, plus the three Olympics, so I could go to an NLCS game is nonsense.... This was a day at the office, and he's in here talking about luxury suites and fair market value of NLCS tickets, and I'm like, you're not listening to me. Why is it you don't know this? And he began to give me...lawyerly answers. I understand your position.... [T]o me [that] meant, screw you, I don't believe you. And that was how we started this conversation. Shame on him.

According to Delacourt, the CDC told him he needed to "fall on the sword immediately" and draft an email to the other attendees informing them of potential ethical issues that the CDC had identified. Delacourt said that he agreed to draft an email because the CDC told him he "needed to act immediately."

B. (U) Delacourt and the CDC Exchange Draft Emails Concerning Executive Management's Attendance at the Playoff Game

(U) Delacourt told us that he drafted an email after his conversation with the CDC. This email is substantially similar to the email that Delacourt sent to the executive management team later on October 16, which is discussed below. Later that morning, Delacourt provided the draft email to the CDC. According to the CDC, he was "surprised" by Delacourt's draft and the fact that there was no reference to "watch[ing] a baseball game."

(U) The CDC, along with two of his attorneys, drafted a separate email to provide to Delacourt that included all of their concerns about what had occurred at Dodger Stadium. The CDC then sent the email to Delacourt. This email stated that both the buffet and the opportunity to view the game itself should be considered gifts, and added that LAFO executive management needed to "completely divest" of the "fair market value of this hospitality (i.e., Divisional Play-off 'tickets' and food)."

(U) Delacourt told us that the CDC's draft email "made me angry" and "further screwed me into the roof." Delacourt explained, "Because not only did he not ask me a single question, but then, after I told him the facts, he ignored the facts and wrote his own version based on whatever conversation he had with, I don't know, whoever." Delacourt told the OIG that he was particularly upset that the CDC considered management's presence at Dodger Stadium to be "the equivalent of [accepting] playoff tickets." Delacourt and the CDC, joined by Morgan, later discussed the draft emails on the afternoon of October 16. According to Morgan, the CDC was "so consumed with what he thought happened" that he was unable to "have a conversation" with Morgan and Delacourt.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

(U//LES) On October 16 at 5:41 p.m., Delacourt sent the following email to Morgan, Woolery, Young, A/SAC1, Moon, the Special Assistant, and MSA1:

I just spoke with CDC and ethics officer [] about our visit to the Dodger Stadium EOC and CP yesterday. I want to avoid the appearance of impropriety or of any ethical violation and apologize for the inconvenience.

As part of our crisis management preparation for the special event, we were placed in the position of accepting hospitality in the form of the buffet. I didn't expect that the [REDACTED] and while our meeting was scheduled at the stadium, I expected it would be in the [command post] or an adjoining conference room, not in the restaurant. SAC Morgan and I discussed the ethics of accepting the offer of food at the time, and evaluated the factors: 1) like us, no patrons were charged, and it was open to thousands of ticket holders; 2) [the Dodgers security representative's] offer that it was available to other federal agents and police officers—doesn't change the ethics of accepting. I understand previous generations of executives have discussed and received approval, but we are in a different climate today and should err on the side of caution.

While it would have been awkward to occupy the table provided for our meeting without eating, or to turn down [the Dodgers security representative's] hospitality, that would have been a better course of action to avoid an appearance of impropriety. In order to remediate, we will reach out to [the Dodgers security representative] to provide fair market value for the food.

To be clear, however, I believe that the visit to the outside LAPD [command post] at the stand up, participation in the LAPD, LAFD, and FBI briefings, familiarization with the location, and walking the venue are all consistent and valuable execution of a [Special Event Threat Assessment] plan and crisis management preparation, and part of the execution of our roles. The Stadium Club would double as an expanded crisis event [command post], [REDACTED] and there was really no other available space for our regular Monday afternoon meeting.

I will also contact and advise OIC AD Bruno and DD Bowdich.²⁴

(U) Delacourt told the OIG that he sent this email “so that there'd be some record of the official capacity that we were there...[a]nd so, that the record wouldn't be [the CDC's] suggestion that we'd gone to a ball game, sat in a box, and owed \$500[.]” We asked Delacourt to explain certain parts of his October 16 email.

²⁴ (U) We asked Delacourt why he did not send the email to the CDC. Delacourt stated that this was simply “an oversight” and that he intended to include the CDC “on that email so that he had a record of the actions [Delacourt] was taking.”

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

First, when asked why he concluded that “no patrons were charged, and it was open to thousands of ticket holders,” Delacourt stated that “nobody[] g[ot] a bill,” and he believed that season ticket holders had access to the Stadium Club.²⁵ When asked whether season ticketholders paid a premium to access the Stadium Club, Delacourt stated that he did not know and that he “should have done more research before [he] sent this email.”

(U) Second, when asked why he described the buffet as “open to law enforcement officers,” Delacourt, as described above, told the OIG that the Dodgers security representative specifically said “it’s open to law enforcement officers.” We asked Delacourt if he saw any LAPD officers at the buffet. Delacourt responded, “At least one.” We asked Delacourt if he saw any non-FBI federal law enforcement personnel at the buffet. Delacourt stated that he “wasn’t looking for them” and noted that “federal agents wear plainclothes.” None of the other attendees reported seeing any law enforcement officers dining at the Stadium Club buffet.

(U) Third, when asked what he meant by, “previous generations of executives have discussed and received approval,” Delacourt explained that this statement referred to non-specific LAFO “[r]etired executives” who received approval from the “CDC and OIC.” Morgan told us that she assumed this statement referred to the example she provided Delacourt in their conversation at Dodger Stadium, which we discussed previously in section V.D of this report.

(U//LES) Fourth, when asked what he meant by “the Stadium Club would double as an expanded crisis event [command post],” Delacourt explained that it was “a logical expectation” that the Stadium Club would serve as an expanded command post during a crisis event [REDACTED]

[REDACTED] According to Delacourt, he would not have written this paragraph about crisis management if the CDC had not “spun [him] into the ceiling” about a “gigantic ethical violation that didn’t exist.” Delacourt told the OIG that it was “patently offensive to [him] that his CDC was suggesting that what he did at the game was “was subterfuge so [he] could watch half an NLCS game.”

(U) According to Delacourt, after he sent this email, he had a conversation with OIC AD Bruno in which she explained the “20/50 rule” to him, and his understanding from the conversation was that this exception to the gift rules would apply to the meal he and others consumed at Dodger Stadium.²⁶ The “20/50 rule” is a reference to an exception to the ethics rule that generally prohibits executive branch employees from soliciting or accepting gifts from a prohibited source or gifts given because of an employee’s official position. See 5 C.F.R. § 2635.202. Employees may accept unsolicited gifts valued at \$20 or less per occasion from a single source, as long as the aggregate value of gifts from a single source does not

²⁵ (U) Delacourt clarified that the Stadium Club was charging for alcohol, but no one was “paying for food.”

²⁶ (U) We discuss this conversation with AD Bruno in detail below. As also described below, the 20/50 rule did not apply in this circumstance because the value of the buffet alone exceeded \$20, information that Delacourt did not have at the time of his conversation with Bruno and therefore Bruno was not aware of when she spoke to Delacourt.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

exceed \$50 in any given calendar year. Delacourt told the OIG that once he became aware of the 20/50 exception from Bruno, he realized that the CDC did not understand the exception and that the CDC had unnecessarily “rushed” him to send out the email. When we asked Delacourt if he had considered calling AD Bruno before sending the email, he said that he should have but did not think about it because the CDC had him “absolutely spun into the ceiling now” and told him to “put this fire out.” Delacourt told the OIG that in retrospect he wished he had done “a lot more due diligence” before he sent the email.

(U) At the end of his email, Delacourt wrote that he was going to “contact and advise” Bruno and Bowdich. Delacourt called both of them on the evening of October 16. We discuss those conversations in turn below.

C. (U) Delacourt Phone Call with Deputy Director Bowdich on October 16

(U//LES) Delacourt called Deputy Director Bowdich on the evening of October 16 about LAFO executive management’s presence at Dodger Stadium. The conversation lasted approximately 20–25 minutes. According to Delacourt, he called the Deputy Director “in complete transparency to get in front of a rumor, or innuendo, or false accusation and because [he] had nothing to hide.” Delacourt told us that he was “frustrated” with his CDC’s “rush to judgment without an understanding of the facts” in accusing Delacourt of being in “a [Former LAFO SAC] situation” and suggesting that Delacourt and the others needed to pay \$500 each for attending a baseball game. Delacourt said that he understood the CDC’s reference to Former LAFO SAC to have been to an FBI executive who accepted tickets to a professional basketball game and that Delacourt wanted Bowdich to understand that “this was not that.” Delacourt told us that the distinction he was trying to make for Bowdich was that the visit to Dodger Stadium was about “crisis management preparedness.” According to Delacourt, he told Bowdich about the entire “chronology” of the day, including briefings by various agencies, the meeting in the interior command post with the Dodgers security representative, the regular SAC Monday meeting “in the down time between the briefing and the penultimate risk moments at the start of the game[,]” and that they had a “meal.” Delacourt said he told Bowdich that the SAC meeting was held at “a conference table in the restaurant [REDACTED]”

(U) Delacourt said that he also called Bowdich to “make him aware of the food that we had consumed, because [the CDC] had indicated that that was an ethical violation.” Delacourt told the OIG that he recalled using the word “meal” rather than “buffet”, and that he conveyed to Bowdich that “food was consumed” and that his “next call” was going to be to AD Bruno “to determine if that was a violation.” He also said he told Bowdich that “there were other law enforcement personnel eating at the same facility” and told us that he “notice[d] Dodger Security personnel and at least one uniformed officer.” Delacourt said that he also told Bowdich that he and Morgan had “an ethical conversation” about the food.

(U) According to Delacourt, Bowdich told him that it “sounds like that’s completely in line with our expectations.” Delacourt told us that “[h]aving been

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

stunned by [the CDC's] lack of understanding of our crisis management responsibilities, [he] was relieved that Deputy Director Bowdich had a different context and understood that this was the normal course of business."

(U//LES) We asked Bowdich about this call with Delacourt, and what he was told by Delacourt about the events at Dodger Stadium. According to Bowdich, Delacourt was "frustrated" about "allegations made against him and...at least some of his staff" that they had used their positions to "inappropriately access[]" a Dodgers game. Bowdich stated that Delacourt explained that he and his staff "had a law enforcement function out at that game." Specifically, according to Bowdich, Delacourt stated, "I don't apologize for what happened [at Dodger Stadium] because it was a crisis management event." In addition, according to Bowdich, Delacourt told him that he held his weekly executive management meeting at the stadium. Delacourt further told Bowdich that he felt that attending a crisis management event and holding a meeting at Dodger Stadium "at the same time was not impermissible[.]" Bowdich stated that Delacourt also "mentioned a sandwich law enforcement lunch that was available to all law enforcement." Bowdich stated that Delacourt told him they "ended up" in a "box." According to Bowdich, Delacourt explained that the box area was a "standard place" to go

[REDACTED] Bowdich told us that, based on what Delacourt told him, this "did not sound unusual" to him and, regarding the food, Bowdich stated he was not concerned "because it was available to all law enforcement that were working" the event. Ultimately, Bowdich stated that he counseled Delacourt to report the incident to Bruno, although he also stated that Delacourt may have been the one who brought up reporting the incident to Bruno.

(U) We showed Bowdich the October 16 email, discussed above, that Delacourt sent to the members of executive management who were at Dodger Stadium. Bowdich stated that this email was "much more detailed than what [Delacourt] told me." Bowdich told us that he did not remember the "Stadium Club angle," and he believed "he would have remembered that" detail had he been told. Similarly, Bowdich stated that he did not remember Delacourt "saying anything to the effect of we sat here and ate this buffet." As far as the food, Bowdich stated that he envisioned "Costco sandwiches" at the command post and "did not have this in [his] mind."

(U//LES) We asked Delacourt how much detail he provided Bowdich about the type of food consumed. He said he "would have given [Bowdich] no detail about what [he] consumed" because "[t]hat's not relevant to the Deputy Director." Delacourt added that he "wouldn't have talked to [Bowdich] about the fact that [he] discussed systems and threats to the ticketing system, any more than [he] would have discussed that it was a hotdog or a taco." Delacourt said that he never told Bowdich that they had a "sandwich lunch" or that they ended up in a "suite" or "box." Delacourt told the OIG that he considered the word "suite" to be "inflammatory" in his conversations with the CDC and that he would have been clear to Bowdich that they never sat in a ticketed seat. When asked whether he told Bowdich that some people stayed at the restaurant table while he and others

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

conducted the familiarization walk-through, he said that he was “sure” that he “didn’t talk about what each member of [the] group did.” In response to questioning about the amount of detail he provided to Bowdich about what occurred, Delacourt stated:

I would have answered truthfully any questions he asked, but I am familiar with executive briefings, and whether it was a hot dog or a taco, and who was sitting where are not relevant to the Deputy Director. What’s relevant to the Deputy Director is that it was an appropriate execution of our crisis management posture. That we were there in our official capacities, that we met with our partners, so that, in the event of a crisis, we were not introducing ourselves, that we were present, so that, in the event of a crisis, we weren’t trying to get there lights and siren into [Dodger Stadium], you know, amidst a traffic jam. What’s relevant is that we tried to conduct our normal business rather than having a down time of an hour. What was relevant that we did a familiarization of the facility, including the ingress and egress routes. What was relevant was that we saw the brand new Enterprise Operations Center, [REDACTED] [REDACTED]. And what’s relevant is that we consumed food, and I was about to take the step of calling the Assistant Director, over Ethics and Compliance, Catherine Bruno, to determine if there was any concern about that.

Delacourt was adamant in his OIG interviews that “[his] conscience was completely clear that this was the execution of [their] crisis preparation plan” and he believed he was “aware of the ethical landmines.” Moreover, when asked whether he discussed with Bowdich the possibility that the visit to Dodger Stadium could “look bad” from an appearance perspective, Delacourt responded that he did not, stating, “On the day of the event, this looks like a forward-leaning crisis management procedure. This looks like leading from the front. This looks like executive presence. This looks like leading a team. I have no concern that this looked inappropriate.”

D. (U) Delacourt Communications with OIC AD Bruno

(U) On the evening of October 16, Delacourt left a voicemail message for OIC AD Bruno letting her know that he had an “ethical concern” that he wanted to discuss with her as soon as possible.

1. (U) Delacourt Phone Conversation with Bruno on October 16 or October 17

(U) Delacourt told us that Bruno returned his call either on the evening of October 16 or the following day. Delacourt told the OIG that his conversation with Bruno was “more detailed” than his conversation with Bowdich because “she’s the one that has to, you know, apply the ethical rules.” Delacourt stated that his conversation with Bruno “was a thorough conversation, and there were two topics— food and attendance.” With regard to food, as noted above, Delacourt said that

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

Bruno explained the 20/50 rule to him. Delacourt stated that, by the end of the conversation with Bruno, he “felt like we had not stepped outside of any ethical boundaries with regard to the food at the Dodger game.”

(U) We asked Delacourt how either he or Bruno could conduct an analysis under the 20/50 rule when LAFO executive management had not yet obtained any type of valuation from the Dodgers about the cost of the buffet. Delacourt stated that he could not remember the details of the conversation about the valuation, but he stated that Bruno did inform him that they had 7 days to reimburse the Dodgers. According to Delacourt, Bruno told him that the ethics rules included a “7-day grace period” to reimburse the cost of the meal “regardless of what the value was.” According to Delacourt, he recalled that Bruno did not believe that he and the others had to repay anything but that “we did pay within 7 days anyway.” As discussed in more detail below, Morgan ultimately sent the Dodgers charitable organization a check for \$160 to cover the cost of the buffet for eight people at \$20 per person. However, as noted below, according to information shared with the OIG by the Dodgers, the market value of the buffet was \$62.95 per person. Delacourt told us that the payment to the Dodgers charitable organization was made “in an abundance of caution.”

(U) We asked Delacourt whether he discussed the Stadium Club table with Bruno. Delacourt stated “probably...but the value of the table is not something that we even considered until you brought it up nine or ten months later.” Delacourt also said that he did not recall Bruno asking him specifics about whether people were paying to access the Stadium Club.

(U) On the attendance issue, Delacourt stated that he told Bruno that LAFO executive management was at Dodger Stadium pursuant to their crisis management responsibilities for the special event. Delacourt stated that Bruno responded by stating, “That seems perfectly consistent with what we do around the Bureau.” According to Delacourt, Bruno stated that she did not “really have any guidance on that” issue and added that the “only thing...that’s even close” is an email about FBI personnel performing official duties at National Football League (NFL) games from former OIC AD Patrick Kelley. We describe this email more fully below. Delacourt stated that Bruno’s point was that LAFO executive management’s crisis management responsibilities would also appear to fall under the category of “official duties” and Delacourt told us that he therefore “felt like we were absolved.” Delacourt stated that he understood Bruno’s guidance to mean “[t]hat our attendance at the event was in an operational capacity and consistent with the guidance that had been given for other high profile special events, such as the NFL.” Delacourt told us that Bruno also pointed out that the Dodgers security representative “wasn’t looking for any favor in return” and “there wasn’t anything we were going to do for him in return.”

(U) Bruno told us she did not remember having a phone call with Delacourt on or around October 16. However, Bruno did tell us about a conversation she had with Delacourt about the FBI’s role at sporting events. Bruno said that she believed this conversation occurred in early October at the FBI’s SAC conference; however,

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

given the voicemail detailed above and the October 18 email we discuss below, along with the substance of their conversation, we believe that this conversation is instead the phone call between Delacourt and Bruno on or around October 16. We discuss Bruno's recollection of this conversation below in the context of her email to Delacourt on October 18.

2. (U) Emails between Bruno and Delacourt on October 18

(U) On October 18, Bruno forwarded Delacourt a January 2018 email from Kelley to the NFL. Kelley requested that the NFL stop providing FBI personnel with the opportunity to purchase Super Bowl tickets at face value due to the exclusivity of the offer and a concern the opportunity could "create the appearance of using public office for private gain." In her email to Delacourt, Bruno wrote, "Here is the email I reference that [Kelley] sent to the NFL. I added the yellow highlight." The portion of Kelley's email that Bruno highlighted stated, "Please understand that my request is not meant in any way to restrict the admission of FBI personnel to NFL games when those personnel are in the performance of their official duties such as when assisting with security, responding to incidents, and so forth." Delacourt responded by thanking Bruno for the information and stating that he was "sorry [they] both had to spend time on what [he] believe[s] is clearly in line with expectations of crisis management preparation for a special event."

(U) In the conversation that she recalled with Delacourt, Bruno stated that Delacourt brought up "the topic of ethics and sporting events." Bruno told us that there was a discussion of the tension between ethics rules and the FBI's official duties at sporting events. Bruno told us that she highlighted this language from Kelley's email as an example of "trying to ensure that the ethics rules didn't prevent the FBI from being able to do its job." Bruno told us that she could not recall anything else about their conversation and, as noted above, thought that this conversation occurred at the SAC conference in early October. Bruno also stated that she did not recall giving Delacourt any ethics advice.

(U) We provided Bruno with an overview of what occurred in October 15 at Dodger Stadium, including a description of the table and buffet in the Stadium Club. Bruno told the OIG she did not recall any conversation like that with Delacourt. Bruno continued, "Had a person called me and described things exactly as you described, I do believe I would have more of a recollection of it, yes."

(U) In general, Bruno stated that the typical advice she would give in such a situation would be:

If you need to be there for operational reasons, which is totally not my call, then that's okay to do.... [But] you cannot be there to...watch the game, for...liaison purposes, or for fun, to shake hands, or those kinds of things that are listed in the [widely attended gathering policy].... [I]f you need to be there for security, to respond to incidents, then...that's an operational call. I can't give him ethics advice about that.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

Bruno added that she did not “consider a liaison [function] to be operational.”

E. (U) Morgan Communications about Reimbursing the Dodgers

1. (U) Morgan Conversations about Valuation with Associate Division Counsel 1 and the Dodgers Security Representative on October 16

(U) On October 16, Morgan discussed the events at Dodger Stadium with Associate Division Counsel 1 (ADC1). According to ADC1, during this conversation, Morgan called the Dodgers security representative and had ADC1 listen to Morgan’s portion of the conversation. ADC1 said he heard Morgan tell the Dodgers security representative, “I’m not saying we did, but, you know, we may have screwed up in how we did this.”²⁷ ADC1 stated that Morgan asked the Dodgers security representative for “the value of the food and the value of anything else like whether [the] table or the room or, you know, I just need to know the values of things.” ADC1 stated that, during the call, he passed Morgan a note telling her to make sure to get the valuation in writing. After receiving his note, ADC1 stated that Morgan then asked the Dodgers security representative to send the valuation in an email.

(U) We asked ADC1 whether Morgan inquired about the valuation for a ticket to the game. ADC1 told us that he did not know “if she specifically said ticket.” However, ADC1 added, “...I did tell her...one of the big issues will be the value of that ticket.” ADC1 stated that Morgan “indicated she was personally embarrassed by this” since she had arranged the trip.

(U) Morgan told the OIG that she called the Dodgers security representative initially to get a cost for the buffet because ADC1 told her that she “need[ed] to get a cost.” According to Morgan, the Dodgers security representative kept telling her that there was “no cost associated” with the buffet. Morgan stated that she told the Dodgers security representative that “the attorneys gave me the actual words to use, fair market value.” According to Morgan, the Dodgers security representative told her “well, they don’t charge people” and stated that he would send her an email once he had information relating to the cost. Morgan stated that she also asked the Dodgers security representative who they should reimburse for the buffet. Morgan said that the Dodgers security representative responded, “[W]e don’t accept money for this” but that if she were insistent on paying, then she could send it the Dodgers’ charitable organization, the Dodgers Dream Foundation. According to Morgan, ADC1 told her that would be fine. Overall, Morgan described her phone call with the Dodgers security representative as “a very hard conversation” because where she was “putting my [law enforcement] partner in a very bad situation.”

²⁷ (U) The call logs for Morgan’s FBI cell phone show that she called the Dodgers security representative at 6:40 p.m. on Tuesday, October 16.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

2. (U) Emails between Morgan and the Dodgers Security Representative about Repayment

(U) On October 19, Morgan sent an email to the Dodgers security representative stating:

Per our conversation earlier this week, please provide the fair market value for the buffet along with where I can send the check to cover the cost associated.

On October 22, the Dodgers security representative responded, "It was our pleasure [Morgan], and please note that the wholesale food cost of your visit came to \$87.00. Please make the check payable to Dodgers Dream Foundation." Morgan forwarded this email exchange to Delacourt later on October 22.

(U) We asked Morgan about the Dodgers security representative's use of the term "wholesale cost" as opposed to a market valuation. Morgan told us that she assumed "that's the closest I guess they could get to an actual cost," noting that she had asked about "fair market value" and "that's the response I got back."

(U) We asked Morgan for her reaction to the stated cost of \$87 for eight people to have a buffet in the Stadium Club at Dodger Stadium. Morgan said that she knew it was "probably more than that" but thought that the Dodgers security representative was "trying to do what [she was] asking him to do." Morgan stated that she was not "going to go back to" the Dodgers security representative and ask for "another figure to pass the smell test" because this was "already a very hard conversation."

3. (U) Morgan Payment to the Dodgers Dream Foundation

(U) Morgan stated that she ultimately wrote a personal check to the Dodgers Dream Foundation for \$160, or \$20 per person for the eight attendees at the SAC meeting. Morgan explained, "The reason I sent the check for \$160, \$20 per, was just the 50/20 rule, just out of an abundance of caution..." Morgan stated that Delacourt reimbursed her \$20 for his portion, but that she did not request reimbursement from any of the other attendees. We asked Morgan if she believed this reimbursement complied with her ethical obligations. Morgan responded that she believed she "went above and beyond" because she did not think she violated any ethical rules in the first place. Morgan reiterated that the repayment "was simply out of an abundance of caution" and in an attempt to "put [the issue] to bed."

(U) Delacourt told us that he instructed Morgan to reach out to the Dodgers security representative to obtain a cost for the buffet. Delacourt stated that "at least in the estimation of [] Bruno, we were in the 20 and 50 rules" and did not have to reimburse the Dodgers. However, Delacourt stated that repayment was made "to account for the appearance of impropriety." Delacourt told us that he decided they were "going to pay for this anyway" and "going to pay for it to the \$20 individual limit" of the 20/50 rule.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

VII. (U) Analysis

(U) This is not the first time that the OIG has received complaints and investigated allegations that Department law enforcement agents improperly used their positions to obtain access to major sporting events. As we have observed in past reports, law enforcement agents and supervisors have a legitimate reason to attend such events if they are present as part of their agency's support for security efforts. Indeed, as noted in this report, LAFO appropriately assigns agents to assist with security for major events at Dodger Stadium, including the playoff game on October 15. Therefore, the issue considered by the OIG in connection with these allegations is, first, whether the law enforcement agents or supervisors have a legitimate work-related reason to attend the major sporting event and, second, if they do, whether their actions in connection with that attendance are consistent with their work-related responsibilities and with Department policies and federal ethics rules.

(U//LES) In this case, while [REDACTED] FBI agents were scheduled to provide security assistance at Dodger Stadium for the playoff game on October 15, no one from LAFO executive management was part of that effort, and none were included in LAFO's Operational Plan for the event. Nevertheless, several days before the playoff game, SAC Morgan decided that attending the game on October 15 would provide an opportunity for LAFO executives to tour the security command post at Dodger Stadium and meet with law enforcement personnel from other agencies. Such a visit, Morgan believed, would be particularly useful in case the Dodgers won the NLCS and hosted World Series games because in that instance LAFO executives would have a direct role in assisting with security at Dodger Stadium. Accordingly, Morgan—without consulting the LAFO agents who were responsible for handling security at Dodger Stadium, any LAFO ethics or legal professionals, or Delacourt—contacted the Dodgers security representative and obtained access to the event and a table in the Stadium Club for LAFO executive management to hold their regular weekly SAC management meeting prior to the playoff game. Delacourt agreed to Morgan's proposal.

(U) We did not find fault with Delacourt's decision to visit Dodger Stadium, with his executive management team, on October 15 for the purpose of meeting with his law enforcement counterparts, touring the security command post, and familiarizing himself with security needs at Dodger Stadium, particularly given the possibility that the Dodgers would be hosting several World Series games later that month. Going to Dodger Stadium for those purposes was clearly consistent with his, and the other executives', FBI responsibilities. However, the decisions made by Delacourt and Morgan to accept the offer from the Dodgers to use a table in the public area of the exclusive Stadium Club that overlooked the playing field for their SAC meeting, and to eat at the Stadium Club buffet, were unrelated to the reason that the executives were brought to Dodger Stadium and resulted in all but one of the LAFO executive managers and employees accepting gifts in violation of federal ethics regulations and FBI policy. Additionally, we found that Delacourt and Morgan exercised poor judgment by arranging to hold an SAC meeting in a public space with no privacy and by failing to appreciate that having the entire LAFO executive

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

management team at Dodger Stadium sitting in an exclusive section of the stadium on the day of a playoff game and partaking in an extensive buffet would result in concerns within the office and among the public that FBI managers were taking advantage of their positions as FBI executives. We discuss our findings in detail below.

A. (U) LAFO Employees Violated Federal Ethics Regulations and FBI Policy Prohibiting the Acceptance of Gifts

(U) We found that Delacourt and Morgan accepted the Dodgers security representative's offer to use a table overlooking the baseball field in public space in the Stadium Club in order to hold their regularly scheduled LAFO weekly SAC meeting. The meeting was unrelated to the reason that the executives were at Dodger Stadium and would normally have been held in FBI office space. In addition, we found that five of the six LAFO executives present and two employees—Delacourt, Morgan, Moon, Woolery, A/SAC1, the Special Assistant, and MSA1—accepted the opportunity to eat from the Stadium Club buffet, and that no one from the FBI paid for this meal.²⁸ Both the use of the Stadium Club to hold a meeting and partaking in the buffet were prohibited gifts under federal ethics regulations and FBI policy.²⁹

(U) Section 2635 of the Standards of Conduct prohibits federal employees “from soliciting or accepting any gift from a prohibited source or any gift given because of the employee’s official position.” See 5 C.F.R. § 2635.201(a). “Gift” is defined as “any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of training, transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.” 5 C.F.R. § 2635.203(b).

1. (U) The Dodgers Security Representative Offered Use of the Stadium Club and Buffet to FBI Managers Because of Their Official Position

(U) We found that the Dodgers security representative offered Morgan and the LAFO management team the use of the Stadium Club table and buffet because of their official positions with the FBI. Under the Standards of Conduct, a gift is given because of the employee’s official position if it is given “from a person other than an employee and would not have been given had the employee not held the status, authority, or duties associated with the employee’s Federal position.” 5 C.F.R. § 2635.203(e). The evidence showed that after Morgan informed the Dodgers security representative that the LAFO management team wanted to tour the command post and conduct its weekly management meeting at Dodger Stadium, the Dodgers security representative made arrangements for the LAFO

²⁸ (U) SAC Young did not eat from the buffet.

²⁹ (U) Because the FBI’s Ethics Guide tracks the language of the Standards of Conduct with respect to the applicable gift rules, we address only the Standards of Conduct.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

management team to use the Stadium Club and access the buffet. The Dodgers security representative was not an employee of the FBI, knew Morgan only through her capacity as an FBI executive, and made these arrangements for Morgan and the management team because of their positions in the FBI.

2. (U) The Market Value of the Stadium Club Table and Buffet Far Exceeded the Exception for Gifts Under the 20/50 Rule

(U) As previously discussed, a federal employee may accept an unsolicited gift that has a market value of \$20 or less, provided that the aggregate market value of individual gifts received from any one person does not exceed \$50 in a calendar year (the “20/50 Rule”). 5 C.F.R. § 2635.204(a). Section 2635.203(c) defines “market value” as “the cost that a member of the general public would reasonably expect to incur to purchase the gift.” It adds that where the market value of a gift cannot be ascertained, the employee “may estimate its market value by reference to the retail cost of similar items of like quality.” 5 C.F.R. § 2635.203(c).

(U) We were not able to conclusively determine the market value of access to the Stadium Club because access to the Stadium Club may be acquired through various mechanisms, such as by purchasing a membership, certain seats, or season ticket packages. In addition, according to the Dodgers website, access to the buffet is complimentary for some ticket-holders.

(U) However, we contacted the Dodgers organization in an attempt to determine the market value of the buffet. The Dodgers provided the OIG with information from an internal accounting document detailing the market value of the October 15 buffet. The document listed the Dodgers security representative as the guest and recorded the market value of the Stadium Club buffet for his party of eight as \$503.70. The document noted that the meal had been “full[y] comp[ed].” Thus, we concluded that the market value of the buffet alone was \$62.95 per person, or the result obtained when dividing the total market value of the buffet among the eight FBI attendees at the executive management meeting. This amount exceeds the \$20 one-time limit under the 20/50 rule, and does not account for the cost of obtaining access to the Stadium Club and use of a table in a prime location of the club for a NLCS game.³⁰ We therefore concluded that Delacourt, Morgan, Moon, Woolery, A/SAC1, the Special Assistant, and MSA1 each violated

³⁰ (U) We also found that no exception to the federal gift regulations to be applicable. To qualify as a gift based on a personal relationship, the gift must be “motivated by a family relationship or personal friendship rather than the position of the employee.” 5 C.F.R. § 2635.204(b). We identified no evidence of either a familial or personal relationship in our investigation. Similarly, to qualify as a gift of free attendance at a widely attended gathering, the free attendance must be “authorized in writing by the agency.” 5 C.F.R. § 2635.204(g)(1). No authorization was granted in this case. The FBI Ethics Guide also states that, “Generally speaking, sporting events and golf outings do not meet the requirements of a [widely attended gathering] and offers to attend or participate in such activities will not be approved.” The other exceptions to the federal gift regulations were facially inapplicable to this situation.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

federal ethics regulations and FBI policy by accepting gifts from the Dodgers organization.³¹

(U) We found that primary responsibility for these violations rests with Morgan and Delacourt. Although Delacourt and Morgan may have been surprised by the Dodgers security representative's offer of food, the evidence showed that they were aware that the ethics rules may be implicated because they discussed whether it was permissible to accept his offer. The ethics regulations, specifically Section 2635.201(b)(4), state that when employees have questions about whether the employee should decline a gift, the employee should seek advice from an agency ethics official. We found no evidence that either Morgan or Delacourt even considered consulting with their CDC or anyone in OIC, which would have been the logical step and would have been expected of senior FBI executives. By Delacourt's own admission, he was unfamiliar with the particulars of the ethics rules concerning gifts, yet instead of seeking advice, he and Morgan relied on Morgan's prior experience of having eaten at the Stadium Club several years earlier as the basis for their belief that it was permissible to do so even under different circumstances.

(U//LES) We also took note of the fact that all of the FBI executives and employees, with the possible exception of Moon because he arrived late to the stadium, were warned by the SEC during her briefing at the stadium that "[t]his is a working day for you," that "the access credentials" do not "allow you to have a seat" in the stadium, that "we're not allowed to eat any of the food here" except for the hot dogs provided by the Dodgers at the exterior command post, and that they

³¹ (U) In comments submitted by Delacourt and Morgan's counsel in response to a draft report, counsel argues that Morgan "relied on the information provided by [the Dodgers security representative] who stated there was no cost" and "if a dollar amount would have been provided, SAC Morgan would have paid the cost of the buffet and informed her colleagues of the amount." Section 2635.206(a)(1) requires an employee who has received a gift in violation of the ethics regulations to "pay the donor its market value[.]" It also states that "[t]he obligation to dispose of a gift that cannot be accepted under this subpart is independent of an agency's decision regarding corrective or disciplinary action under § 2635.106." As discussed, *supra*, on October 16, after speaking with ADC1 about the events at Dodger Stadium, per ADC1's recommendation, Morgan emailed the Dodgers security representative on October 19 seeking the "fair market value for the buffet[.]" On October 22, the Dodgers security representative responded that "the wholesale food cost of your visit came to \$87.00" and "make the check payable to Dodgers Dream Foundation." Morgan ultimately sent the Dodgers charitable organization a check for \$160 to cover the cost of the buffet for eight people at \$20 per person. We did not find Morgan's repayment to be a "proper disposition of prohibited gifts" under Section 2635.206 for two reasons: (1) she did not repay the market value of seven people eating the buffet and using the table in the Stadium Club; and (2) she did not repay the "donor" of the gifts. When Morgan received the Dodgers security representative's email stating the "wholesale food cost" was \$87, she neither followed-up with the Dodgers security representative to ascertain the "market value" for the gifts provided nor consulted with an FBI ethics official regarding the propriety of her \$160 repayment. Moreover, Morgan paid the Dodger's charitable organization—Dodgers Dream Foundation—instead of repaying the Dodgers, the entity that provided the gift to her. Counsel's argument, that "SAC Morgan and the other attendees would have paid the retail cost of the buffet if a dollar amount was available and/or provided," is not relevant to the finding that Delacourt, Morgan, Moon, Woolery, A/SAC1, the Special Assistant, and MSA1 each violated federal ethics regulations and FBI policy.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

were not to eat food in the Stadium Club.³² SAC Young, who was the only FBI executive to not partake in the Stadium Club buffet, heeded the SEC's admonition. In addition, none of the [REDACTED] who were operationally assigned to work that day at Dodger Stadium partook of the amenities or food in the Stadium Club. SA1 told the OIG that she and SA2 understood that doing so would have been "leveraging" or "taking advantage of [their] position" as law enforcement officers. By contrast, we were troubled by SAC Moon's and SAC Woolery's statements justifying their decision to eat at the buffet because they "assumed" that all of the approvals for the meal had been obtained. Moon and Woolery were clearly aware that their ethical duties were implicated by use of the buffet since they "assumed," without asking anyone, that all of the approvals for the meal had been obtained and, at least with respect to Woolery, the only guidance they had been given was from the SEC, which was that they were not to eat food in the Stadium Club. As senior executives in the FBI, they should have, at a minimum, asked whether proper approvals had been obtained rather than assuming that someone else had determined that their conduct was within the ethics rules. While two support employees—the Special Assistant and MSA1—also violated federal ethics regulations and FBI policy by eating the buffet and using a table in the Stadium Club, we determined that there were several factors that mitigated their culpability, including: (1) they were not SES or acting SES executives, like the rest of the FBI attendees; (2) they were at Dodger Stadium on October 15, 2018, because an SES executive specifically requested their attendance; and (3) according to MSA1, Morgan told him and the Special Assistant "[g]o ahead[,] you can eat, and we'll figure out payment later" or words to that effect.

B. (U) Delacourt and Morgan Exercised Poor Judgment

(U) We also found that Morgan and Delacourt exercised poor judgment in accepting the use of a table overlooking the playing field in the public area of the Stadium Club for the weekly SAC meeting. Even if Morgan and Delacourt were surprised on October 15 when they were provided with a table in the Stadium Club instead of a conference room for their meeting, both Morgan and Delacourt should have immediately recognized the inappropriateness of six FBI executives and two support employees using a table in a prime location of the Stadium Club during a playoff game, let alone holding a sensitive FBI meeting at that table surrounded by members of the public and consuming food from an extensive buffet after having been expressly told by the SEC that it would be inappropriate to do so. Morgan and Delacourt each told us that they were hesitant to question the Dodgers security representative about the arrangements because they did not want to appear impolite or did not want to be inconvenienced if no other location was available to hold their weekly SAC meeting. However, Morgan's and Delacourt's primary concern should have been to ensure that they and LAFO executive management were complying with their ethical obligations. Given their years of experience and executive-level positions within the FBI, we concluded that Morgan's and

³² (U) The witnesses' recollections differed about whether Moon was present for part or all of the SEC's briefing, and based on the available evidence, we were unable to determine whether Moon was present for the portion of the SEC's briefing in which she gave her warning about the food.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

Delacourt's explanations for not meeting their ethical obligations and for their poor judgment to be unpersuasive.

(U) The FBI Ethics Pocket Guide, which is prepared by OIC as a "plain English" ethics guide for FBI employees, contains the following advice about appearances:

You should be careful that you do not act in a manner that would tend to create the appearance that you are violating the law or ethical standards. The FBI has long recognized that FBI employees must act in a manner that will earn the trust and support of the American people in order to perform our mission.

(U) As senior executives with extensive experience in the Special Events Program and, in Morgan's case with the FBI Inspections Division, Morgan and Delacourt should have recognized the risk that holding their weekly executive meeting at a "corner table" in the Stadium Club on the day of a playoff game could appear to be a pretext for attending a game, even if Delacourt and Morgan believed they also would be performing legitimate law enforcement functions while at the stadium.³³ We believe that Delacourt's and Morgan's failure to consider the appearance problem with this plan likely contributed to their failure to properly vet the decision and conduct adequate planning for the activity. The evidence shows that Morgan made arrangements with the Dodgers security representative in a brief telephone call only a few days in advance of the visit and that she and Delacourt never spoke about the arrangements. Neither Morgan nor Delacourt consulted with the CDC or OIC or sought to understand what having a "corner table" at the Stadium Club would mean.³⁴ According to Delacourt, he did not even notice that Morgan's email about the events included a reference to a corner table in the Stadium Club. Had Delacourt and Morgan discussed the plans in detail, Delacourt likely would have been apprised of this fact and would have had an opportunity to inquire further. In addition, even though Delacourt and Morgan knew that they would be at Dodger Stadium during meal time, they did not ask questions about whether any arrangements were being made for food, and they provided no guidance to LAFO executive management and others planning to attend about consuming food at the Stadium.

(U) Lastly, we found it concerning and a further display of poor judgment that Delacourt, after being seated at a table in the middle of the Stadium Club

³³ (U) Morgan was the Section Chief in the Internal Affairs Section in INSD prior to becoming the Criminal SAC in Los Angeles in October 2017.

³⁴ (U) In comments to a draft report submitted by Morgan's counsel, counsel states that "no pre-planning occurred regarding the location of the table at the Stadium Club because SAC Morgan requested a conference room to hold the meeting NOT a table at the Stadium Club" and "an observer who is aware of the reality...[would] not have a concern as to integrity or impartiality." Morgan, however, fails to acknowledge that the Dodgers security representative's offer of a "corner table in the Stadium Club" was four days before the game. Four days was sufficient time for Morgan to obtain additional information from the Dodgers, consider the propriety of the arrangement, and consult with FBI ethics officials for guidance.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

surrounded by members of the public (rather than in a private conference room), nevertheless went forward with the weekly SAC meeting. This was not a situation where two FBI employees had a discrete conversation in a public location. Rather, this was an official, pre-planned meeting about FBI business that was conducted in the open. Even assuming LAFO executives were aware of their environment and self-censored their discussions accordingly, Delacourt should have recognized the unacceptable risk of inadvertently disclosing sensitive FBI information to members of the public. We do not believe a table at the Stadium Club was an appropriate venue for discussing various topics that were on the agenda. In fact, in connection with its review of this report, the FBI determined that a number of items that Woolery briefed during the meeting constituted Law Enforcement Sensitive (LES) information and therefore should be redacted from any public version of the report.³⁵ We do not know whether any members of the public in the Stadium Club at the time of the SAC meeting overheard any of Woolery's briefing, but the FBI's determination of the information's sensitivity underscores the risks of discussing such information in a public setting and the poor judgment exercised in conducting an SAC meeting at that venue. Delacourt should have requested a different location and, if one was not available, postponed the meeting.

C. (U) Delacourt Failed to Inform Deputy Director Bowdich of Important Details Concerning Events at Dodger Stadium and Continues to Believe that His Actions Were Appropriate

(U) We concluded that Delacourt failed to provide Deputy Director Bowdich with a complete description of what occurred at Dodger Stadium on October 15 when he called Bowdich the following day to tell him about the allegations that had been made. In doing so, Delacourt deprived Bowdich of the ability to arrive at an informed judgment about the events and to take appropriate action.

(U//LES) According to Bowdich, Delacourt explained to him that Delacourt and his staff went to Dodger Stadium for a crisis management event and that Delacourt held his weekly executive management meeting at the Stadium. Bowdich stated that Delacourt also told him that they "ended up" in a "box" and that the box area was a "standard place" to go [REDACTED]

[REDACTED] Bowdich said he also recalled Delacourt mentioning a sandwich law enforcement lunch that was available to all law enforcement. Based on these representations, Bowdich told the OIG that he was left with the impression that the event "did not sound unusual" or problematic.

(U//LES) According to Delacourt, he intended to convey to Bowdich during their conversation that the visit to Dodger Stadium was about "crisis management preparedness" and therefore he told Bowdich about the entire "chronology" of the day, including briefings by various agencies, the meeting in the interior command

³⁵ (U) The FBI's LES Policy Guide establishes the FBI policy "for the proper identification, decontrol, marking, sharing, and safeguarding of" LES information. See § 1. As previously noted, the guide provides the following instruction: "Verbal discussion of LES...material outside of accredited areas must be avoided when operationally feasible." See § 4.5.4.2.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

post with the Dodgers security representative, and holding his regular SAC Monday meeting “in the down time between the briefing and the penultimate risk moments at the start of the game.” Delacourt said he told Bowdich that the SAC meeting was held at “a conference table in the restaurant immediately [REDACTED] [REDACTED] and that they had had a “meal.” He also said he advised Bowdich that “there were other law enforcement personnel eating at the same facility.”

(U) Delacourt, however, did not tell Bowdich that the “restaurant” where they ate was the exclusive Stadium Club, that the “conference table” was a Stadium Club dining table located adjacent to the railing overlooking the playing field, that the LAFO weekly executive meeting was held in a public area of the Stadium Club at a dining table surrounded by other tables occupied by fans, or that the “meal” was from an extensive buffet that was for the use of Dodger fans who had access to the Stadium Club. Delacourt also did not tell Bowdich about the SEC’s admonition prior to the game, or that none of the FBI agents who were assigned to work the event ate in the Stadium Club or partook in the buffet.

(U) When we questioned Delacourt about the details of the stadium visit that he did not provide to Bowdich during their telephone call, Delacourt told the OIG that those details “were not relevant” and that what was relevant was that executive management had engaged in “an appropriate execution of [their] crisis management posture;” that “[they] were there in [their] official capacities;” that they had “consumed a meal;” and that his “next call” was going to be to AD Bruno. According to Delacourt, he called the Deputy Director “in complete transparency” in order “to get in front of...a false accusation” and “because [he] had nothing to hide.” Delacourt was adamant in his OIG interviews that “[his] conscience was completely clear that this was the execution of [their] crisis preparation plan” and that he had “no concern that this looked inappropriate.” According to Bowdich, Delacourt also said to him, “I don’t apologize for what happened [at Dodger Stadium].”

(U) We believe Delacourt misapprehends the problem with his call to the FBI’s Deputy Director and even at this late date does not appreciate why his decision to accept a dining table in the Stadium Club, eat from the buffet, and hold a weekly FBI meeting in a public space surrounded by civilians was both an ethical violation and an exercise of poor judgment. Whatever Delacourt’s view of the propriety of the visit was, his responsibility once he engaged Bowdich on the subject was to provide the information fully and accurately and not through the lens of his own frustration about the ethical questions being raised regarding the visit.³⁶

³⁶ (U) In comments to a draft report submitted by Delacourt’s counsel, counsel argues that “ADIC Delacourt did not have fair notice at the time he spoke to DD Bowdich that the buffet or use of a table was material to any concern of DD Bowdich or anyone else, and consequently cannot be held accountable for omitting such information.” Similarly, counsel argues that because Delacourt was not aware that the use of the table was a potential gift until well after he talked to Bowdich, the OIG “sets an unattainable standard.” We disagree. First, Delacourt told the OIG that the CDC raised concerns to him about the potential ethics violation with the food, and – prior to his conversation with Bowdich – he acknowledged that partaking of the buffet was a problem in his October 16, 2018 email to his

(Cont’d.)

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

Delacourt was free to explain to Bowdich why the questions were, in his judgment, misplaced. But we believe that Delacourt's description of events deprived Bowdich of information that Bowdich should have been provided in order for him to understand the basis for those questions, and we were troubled that an FBI executive with Delacourt's experience did not appreciate this at the time of the call and who, to this day, still does not recognize this failing.³⁷

D. (U) SAC Woolery Violated the FBI Alcohol Policy Guide

(U) The FBI Alcohol Policy Guide states that FBI employees may not "consume alcohol while on duty" unless "necessary for Special Agents in certain undercover or surveillance assignments." We found that Woolery violated the FBI's policy because he consumed an alcoholic beverage in the Stadium Club and was on duty at the time he consumed the alcoholic beverage.

(U) We next considered whether Woolery violated FBI policy by consuming alcohol while carrying his FBI firearm and for driving his government vehicle upon leaving Dodger Stadium. The FBI Alcohol Policy Guide does not specifically prohibit carrying a firearm or driving a government vehicle after consuming alcohol. Instead, it prohibits FBI employees from carrying a firearm "when impaired by the consumption of alcohol" or operating any motor vehicle "while under the influence of alcohol." These terms are defined generally as "when, as a result of drinking any amount of alcohol, their mental or physical faculties are so impacted as to reduce their ability to think and act with ordinary care" and "[w]hen an individual's faculties are diminished so that their ability to see, hear, walk, talk and judge distances is below the normal levels as set by local, state and federal law," respectively. As noted in Section V.G.3, *supra*, Woolery told us that he had one alcoholic drink while at Dodger Stadium on October 15. We found no evidence that contradicted this testimony and no evidence that he was "under the influence of alcohol" or "impaired by the consumption of alcohol." Therefore, we found that Woolery did not violate FBI policy by carrying his firearm while at Dodger Stadium or by driving his government vehicle upon leaving the stadium.

(U//LES) Finally, we found that SAC Woolery exhibited poor judgment while at Dodger Stadium. Woolery understood that the purpose of the visit to Dodger Stadium was to view the command post, meet with security officials, and

executive management team. Second, notwithstanding Delacourt's after-the-fact argument that he was unaware that use of the table could be considered a gift, he was aware that his executive management team conducted its weekly management meeting and consumed food in an exclusive area of the stadium with fans present, and that the executive management team did not pay for these services. Having called Bowdich to tell him about the allegations that had been made about the event, we believe that one of the most senior executives in the FBI should have recognized that these facts also needed to be conveyed to the Deputy Director.

³⁷ (U) Delacourt's October 16, 2018 email to his executive management team similarly failed to recognize the problems created by their visit to Dodger Stadium. Delacourt wrote in this email that there could be an "appearance of impropriety" associated with the FBI's presence and with partaking of the buffet, but the email was devoid of any recognition of the actual impropriety of six FBI executives and two support employees using a table in a prime location of the Stadium Club during a playoff game, consuming food from the buffet, and holding a sensitive FBI meeting at that table surrounded by members of the public.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~

participate in the weekly SAC meeting. Nevertheless, as evidenced through his statements to numerous FBI personnel prior to the game, Woolery viewed the trip to Dodger Stadium as a chance to watch a playoff baseball game, and his actions only underlined this fact. For example, [REDACTED]

[REDACTED] Moreover, in addition to consuming alcohol on duty, Woolery watched almost the entire game from the table in the Stadium Club and told others that he wanted to "watch the game." According to the SEC, Woolery even asked her after the game if his credential could be used to "get back in...to other games." We found Woolery's behavior on October 15 to be unprofessional and clearly lacking in judgment.

VIII. (U) Conclusions

(U) For the reasons stated above, we concluded by a preponderance of the evidence that ADIC Delacourt, SAC Morgan, SAC Moon, SAC Woolery, A/SAC1, the Special Assistant, and MSA1 accepted gifts in violation of federal ethics regulations and FBI policy at Dodger Stadium on October 15, 2018. We concluded that primary responsibility for these ethics violations rests with Delacourt and Morgan. We found that Delacourt and Morgan exercised poor judgment in accepting the use of a table overlooking the playing field in the public area of the Stadium Club for the weekly SAC meeting, and we found a further display of poor judgment that Delacourt went forward with the weekly SAC meeting in this public area. We also found that Delacourt failed to provide Deputy Director Bowdich with a complete description of what occurred at Dodger Stadium on October 15 when he called the Deputy Director the following day, thereby depriving Bowdich of the ability to arrive at an informed judgment about the events and to take appropriate action. We remain troubled that an FBI executive with Delacourt's experience still, to this day, does not recognize this failing. Finally, we concluded that SAC Woolery violated the FBI's Alcohol Policy Guide because he consumed an alcoholic beverage in the Stadium Club and was on duty at the time he consumed the alcoholic beverage. We are referring our findings to the FBI for potential disciplinary or administrative action.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY//LAW ENFORCEMENT SENSITIVE~~



The Department of Justice Office of the Inspector General (DOJ OIG) is a statutorily created independent entity whose mission is to detect and deter waste, fraud, abuse, and misconduct in the Department of Justice, and to promote economy and efficiency in the Department's operations.

To report allegations of waste, fraud, abuse, or misconduct regarding DOJ programs, employees, contractors, grants, or contracts please visit or call the **DOJ OIG Hotline** at oig.justice.gov/hotline or (800) 869-4499.

U.S. DEPARTMENT OF JUSTICE OFFICE OF THE INSPECTOR GENERAL

950 Pennsylvania Avenue, Northwest
Suite 4760
Washington, DC 20530-0001

Website	Twitter	YouTube
oig.justice.gov	@JusticeOIG	JusticeOIG

Also at Oversight.gov