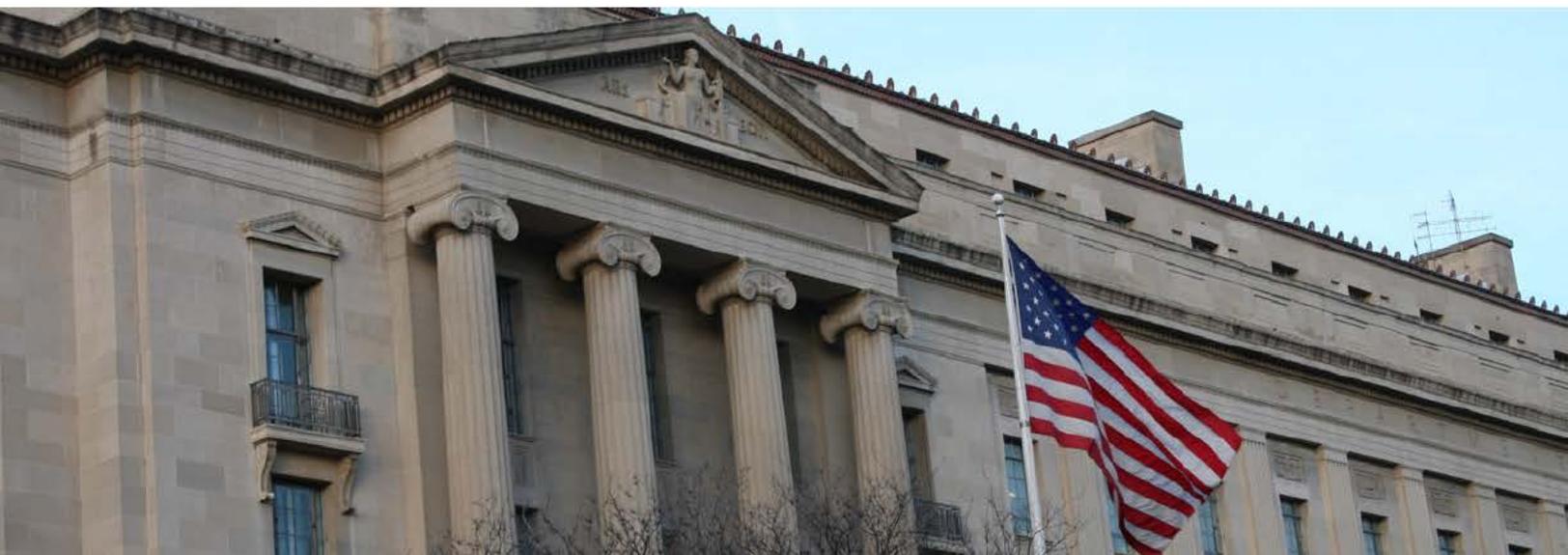




## Office of the Inspector General U.S. Department of Justice

**OVERSIGHT ★ INTEGRITY ★ GUIDANCE**



# An Investigation Of Alleged Misconduct by Former FBI SAC [REDACTED] and [REDACTED]

## Table of Contents

I.	Introduction .....	1
II.	Background.....	2
III.	Allegations Regarding [REDACTED] and [REDACTED] Relationship, Favoritism, and Adverse Effects on Morale [REDACTED] .....	3
A.	Relevant FBI Policies, Laws, and Regulations .....	3
B.	Factual Findings and Analysis .....	5
1.	Romantic and Intimate Relationship .....	5
2.	Favoritism.....	7
3.	Adverse Effects of the Relationship on the [REDACTED] Morale [REDACTED] [REDACTED] .....	19
IV.	[REDACTED] .....	20
V.	[REDACTED] .....	20
VI.	Conclusions.....	21

## I. Introduction

[REDACTED], the Office of the Inspector General (OIG) received a complaint through the OIG's Hotline alleging that [REDACTED], at that time the Special Agent in Charge (SAC) [REDACTED] of the Federal Bureau of Investigation (FBI), and [REDACTED] and [REDACTED] subordinate, engaged in a romantic and intimate relationship in violation of FBI policies. This report summarizes the OIG's investigation of this allegation. The report also addresses allegations made in the complaint that because of the relationship, [REDACTED] took various actions that favored [REDACTED], including: (1) influencing the awards process to give [REDACTED] a performance award; (2) promoting [REDACTED] to a higher-graded position without announcing the position for competition; (3) assigning [REDACTED] to a private office in violation of [REDACTED] policy; [REDACTED]

[REDACTED] The report further reviews whether the relationship and [REDACTED] allegedly improper actions resulted in a decline of the [REDACTED] staff's morale [REDACTED]

Our investigation of the allegations included a review of text messages, instant messages, and email communications between [REDACTED] and [REDACTED]; documents related to the allegedly favorable actions [REDACTED] took for the benefit of [REDACTED]; [REDACTED] personnel records; and relevant FBI [REDACTED] policies.<sup>2</sup> As part of our investigation, we also interviewed [REDACTED], [REDACTED] current and former [REDACTED] employees with knowledge relevant to the allegations.

As explained below, our investigation substantiated the allegation that [REDACTED] and [REDACTED] engaged in a romantic and intimate relationship for approximately 2 years. We found that because [REDACTED] was [REDACTED] supervisor, his failure to report the relationship to FBI management violated the FBI Personal Relationships Policy (Personal Relationships Policy) that is contained in Policy Directive (PD) 0802D. We also found that [REDACTED] violated the Personal Relationships Policy by involving himself in the awards process resulting [REDACTED] receiving a performance award, by participating in [REDACTED] promotion, and by assigning [REDACTED] to a private office. Additionally, we concluded that [REDACTED] behaved in a way that did not meet the higher standard of conduct for supervisors set out in the FBI Ethics and Integrity Program Policy Directive and Policy Guide 0754DPG. We also found that the relationship between [REDACTED] and [REDACTED] was a contributing factor in the decline in morale among some [REDACTED] staff.

[REDACTED]

[REDACTED]<sup>3</sup> [REDACTED] retired from federal employment during the pendency of our review. We provided a copy of this report to the FBI for action it deems appropriate.

## II. Background

---

<sup>3</sup> [REDACTED] and [REDACTED] each reviewed a draft of this report and, through counsel, provided comments to the OIG for its review.

<sup>4</sup> As described in greater detail in footnote 22, [REDACTED] demotion [REDACTED] occurred after he admitted that he had been involved in a romantic and intimate relationship with [REDACTED], his subordinate.

### III. Allegations Regarding [REDACTED] and [REDACTED] Relationship, Favoritism, and Adverse Effects on Morale [REDACTED]

The [REDACTED] complaint alleged that “almost immediately after” [REDACTED] arrived in [REDACTED] as the new SAC, he and [REDACTED] became involved in an “inappropriate” and “adulterous” relationship. According to the complaint, the relationship continued throughout [REDACTED] time in [REDACTED], and resulted in [REDACTED] taking several actions that favored [REDACTED] over other employees. The complaint further alleged that the relationship between [REDACTED] and [REDACTED], and the resulting biased actions [REDACTED] took on behalf of [REDACTED], caused a decline in the [REDACTED] staff’s morale [REDACTED]

[REDACTED] We summarize below the laws and FBI policies applicable to these allegations, as well as our findings and conclusions.

#### A. Relevant FBI Policies, Laws, and Regulations

The FBI has a Personal Relationships Policy (Personal Relationships Policy) that is contained in Policy Directive (PD) 0802D, and is dated August 14, 2015. Although the words “personal relationships” appear in the name of the policy, the Policy does not define what is a personal relationship.<sup>5</sup> Instead, the Policy defines two types of relationships: romantic relationships and intimate relationships. The policy states that a romantic relationship is

a relationship that ranges from occasional dating to plans to be married, or other social engagements between two individuals, but which does not include attendance at group social events if the parties do not relate to each other as a couple.<sup>6</sup>

The Personal Relationships Policy defines an intimate relationship as “a relationship that involves sexual contact.”<sup>7</sup> While the Personal Relationships Policy does not outright prohibit romantic or intimate relationships in the workplace, it requires that an employee “[r]eport the development of a romantic or intimate relationship—even though the relationship is not prohibited—with another employee in the same unit or squad or with an employee with whom a supervisory relationship exists....”<sup>8</sup>

The Personal Relationships Policy also states that a supervisor must not “[e]ngage in a romantic or intimate relationship with a subordinate FBI employee if the relationship negatively affects a professional and appropriate superior-subordinate relationship or otherwise adversely affects the FBI mission.”<sup>9</sup> The Personal Relationships Policy further states that a supervisor must not

---

<sup>5</sup> PD 0802D § 15.

<sup>6</sup> PD 0802D § 15.2.4.

<sup>7</sup> PD 0802D § 15.2.2.

<sup>8</sup> PD 0802D § 11.1.2.2.

<sup>9</sup> PD 0802D § 11.2.1.1.

[d]isrupt workplace morale by pursuing or engaging in a romantic or intimate relationship with a subordinate by, for example, showing favoritism to the subordinate through vehicle or work assignments, promotions, advancements, appraisals, training opportunities, or travel opportunities.<sup>10</sup>

Additionally, the Personal Relationships Policy prohibits an employee who has no “specific, advance management approval” from participating in “a hiring or organizational decision involving an individual with whom he or she has a personal relationship and where a reasonable person would question the employee’s impartiality.”<sup>11</sup> The Personal Relationships Policy states that an organizational decision is “a decision involving a squad, a case, a shift, a vehicle assignment, or other working conditions.”<sup>12</sup> The Personal Relationships Policy does not define “hiring decision,” does not identify what circumstances would give rise to concerns about impartiality, and does not provide examples of situations that would demonstrate a personal relationship that would require recusal from participating in a hiring or organizational decision.<sup>13</sup>

The FBI also has an Ethics and Integrity Program Policy Directive and Policy Guide (Ethics Guide), dated February 2, 2015, a portion of which concerns workplace relationships. Section 4.7.7.1, labeled “Appropriate Superior-Subordinate Inter-Personal Relationships,” states that

[p]ersons who are given the authority to supervise others in the Government must not engage in activities that may subtly or overtly coerce a subordinate to provide any personal benefit (to themselves or any other person) that is otherwise not authorized in the course of performing official duties. Generally speaking, employees and their supervisors must not engage in any relationship, financial or otherwise (romantic, business, recreational) that: [n]egatively impacts their ability to maintain a professional and appropriate superior-subordinate relationship; or [o]therwise, adversely impacts the completion of the FBI mission.<sup>14</sup>

The Ethics Guide does not define what constitutes a “romantic, business, or recreational” relationship. The Ethics Guide further states that a

superior has the greater authority and, hence, the greater responsibility to avoid creating appearances of preferential treatment or other improper conduct. As a result of this greater responsibility and the inequality inherent in the superior-subordinate relationship, a

---

<sup>10</sup> PD 0802D § 11.2.1.2.

<sup>11</sup> PD 0802D § 11.1.2.3.

<sup>12</sup> PD 0802D § 15.2.3.

<sup>13</sup> PD 0802D § 15.

<sup>14</sup> PD 0754DPG § 4.7.7.1(b).

superior is held to a higher standard than a subordinate when improprieties are addressed in the disciplinary or administrative process.<sup>15</sup>

Lastly, romantic or intimate relationships between superiors and subordinates have the potential to create additional problems in the workplace not described above. For example, the imbalance of power between superiors and subordinates could call into question the consensual nature of romantic or intimate relationships. In addition, a romantic or intimate relationship between a superior and subordinate that initially is or appears to be consensual could later result in a claim of sexual harassment if the relationship deteriorates. Harassment on the basis of sex is a violation of Section 703 of Title VII of the Civil Rights Act, 29 C.F.R. § 1604.11.<sup>16</sup> The Department of Justice has a zero tolerance policy with respect to harassment, including sexual harassment.<sup>17</sup>

## **B. Factual Findings and Analysis**

### **1. Romantic and Intimate Relationship**

██████████ and ██████████ admitted to the OIG that they became involved in a sexual relationship ██████████ and continued in the relationship until ██████████. ██████████ characterized the relationship as casual, but stated that his level of emotional attachment to ██████████ intensified over time. ██████████ considered the relationship serious.

---

<sup>15</sup> PD 0754DPG § 4.7.7.1(c). In addition to the Personal Relationships Policy and the Ethics Guide, the Standards of Ethical Conduct for Employees of the Executive Branch (Standards of Conduct), found at 5 C.F.R. Part 2635, are also potentially applicable to superior-subordinate romantic relationships. In fact, both the Personal Relationships Policy and the Ethics Guide incorporate the Standards of Conduct. For instance, Section 11.1.2.3 of the Personal Relationships Policy—the section that prohibits participation in hiring or organizational decisions in certain circumstances—directs the reader to the portion of the Ethics Guide concerning conflicts of interest, which reiterates the language of 5 C.F.R. § 2635.502. Furthermore, Section 4 of the Ethics Guide—labeled “Standards of Conduct”—is devoted to and incorporates verbatim Part 2635, Subpart A (General Provisions) through Subpart H (Outside Activities), as well as other FBI-specific information and examples.

<sup>16</sup> Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment. See Deputy Attorney General Rod J. Rosenstein *Memorandum for Heads of Department Components, Sexual Harassment and Sexual Misconduct*, April 30, 2018, citing DOJ Order 1200.2 and <https://www.justice.gov/jmd/eeos/sexual-harassment>.

<sup>17</sup> Deputy Attorney General Rod J. Rosenstein *Memorandum for Heads of Department Components, Sexual Harassment and Sexual Misconduct*, April 30, 2018. In addition to the laws and policies discussed above, we note that most of the agencies and departments in the executive branch are governed by 14 merit system principles intended to create fairness in personnel management. See 5 U.S.C. §§ 2301-2302. The FBI implements these principles by issuing its own policies and guides, such as the Personal Relationships Policy and the Ethics Guide. See 5 U.S.C. §§ 2302(c)(ii)(I), 2301(c)(2).

At the time the relationship began, ██████ reported directly to ██████. Despite being aware that the FBI had a policy that prohibited ██████ from entering into a relationship with ██████ while he was a rating official on her Performance Appraisal Report (PAR) or if he took other personnel actions involving ██████, ██████ told the OIG that he continued being ██████ direct supervisor for approximately the first 10 months of their relationship, ██████. ██████ explained that in ██████, he began to recognize "that [the relationship] was going to be a significant issue for me and decided I could not be ██████ rating official. It would be a problem."<sup>18</sup> ██████, ██████ advised the ██████ that he was reassigning ██████ to report to ██████. According to ██████ who was unaware of the relationship at this time—██████ told him that he was making the change to give ██████ more experience with and exposure to the media. ██████ told the OIG that the change did not become effective until ██████.

██████ also told the OIG that she was aware that an FBI policy prohibited ██████ from being a rating official on her PAR. However, she said that she did not think of this as being an issue until ██████, when the PAR period was coming to a close. ██████ also stated that, overall, she viewed the FBI policy as being "financial" in nature, in that it prohibited a supervisor from taking any action that had a financial benefit for a subordinate with whom he was involved in a relationship. ██████ stated that she and ██████ discussed the FBI policy, but primarily in the context of her telling ██████ that he should abstain from recommending any actions in her favor.

When asked about being aware of the need to report their relationship to FBI superiors, ██████ told the OIG that he suspected he "probably should" report the relationship, but intentionally did not do so because he was "worried that I was going to get myself in a position that got me in trouble if it ever came out that I was having that relationship."<sup>19</sup> ██████ stated that she and ██████ never discussed any potential obligation to report the relationship.

---

<sup>18</sup> ██████ was notable for ██████ because 9 weeks prior to that, ██████ he and ██████ modified their personal interactions. Although both ██████ and ██████ stated that they did not view their relationship as having ended over those 9 weeks, some aspects of the relationship, such as going to ██████ house and some intimate contact, "ceased." ██████ told the OIG that in ██████ the relationship with ██████ "started up again," and in his view, the emotional aspects of the relationship became more serious. This shift caused ██████ to conclude that he should no longer act as ██████ direct supervisor. As becomes relevant at various points in our discussion below, we determined that the 9-week period during which ██████ and ██████ modified their interactions did not alter the overall romantic and intimate nature of their relationship. Thus, we determined that all of the responsibilities and limitations surrounding their relationship as outlined in the Personal Relationships Policy and Ethics Guide continued to be applicable for ██████ the relationship, including during the modified 9-week period.

<sup>19</sup> ██████, during our interview, ██████ stated that several weeks prior, he told the then-FBI Deputy Director Andrew McCabe that he planned to make admissions to the OIG about having a relationship with ██████. At the time that ██████ told McCabe about the relationship, the

Based on these facts, we concluded that for a period of [REDACTED], [REDACTED] and [REDACTED] were involved in a romantic and intimate relationship as defined by the Personal Relationships Policy. Since they were employees of the same field office and were also in a supervisor-subordinate relationship with one another, the Personal Relationships Policy required [REDACTED] to report the relationship. Because [REDACTED] failed to do so, he violated Section 11.1.2.2. of the Policy.<sup>20</sup>

## 2. Favoritism

The [REDACTED] complaint to the OIG further alleged that [REDACTED] took several actions that favored [REDACTED] over other employees because he was involved in a romantic and intimate relationship with her. According to the complaint, examples of favoritism included [REDACTED]: (1) influencing the awards process to give [REDACTED] an award; (2) promoting [REDACTED] to a higher-graded position without announcing the position for competition; (3) assigning [REDACTED] to a private office in violation of [REDACTED] policy; [REDACTED]

### a. Award

The complaint alleged that during the [REDACTED], [REDACTED] attended a [REDACTED] meeting pertaining to employee awards. According to the complaint, at the meeting, [REDACTED] recommended that [REDACTED] be given a performance award. As discussed below, we substantiated this allegation, and determined that [REDACTED] conduct violated the Personal Relationships Policy and was inconsistent with the Ethics Guide.

The evidence showed that [REDACTED] the [REDACTED] implemented a new methodology for giving awards to employees, in part, to make the process fair and impartial. In doing so, the [REDACTED] designated six members of its staff to serve as the Awards Committee.<sup>21</sup> The [REDACTED] also drafted guidelines that spelled out how employees could be nominated for awards, who was eligible for awards, and the types of awards employees could get. The guidelines stated that employees can receive awards after they are nominated by their supervisors, and after the nominations

relationship had already ended. [REDACTED] told us that after he admitted the relationship to McCabe, he was demoted [REDACTED].

<sup>20</sup> The OIG acknowledges that the FBI's Personal Relationships Policy places an equal obligation to report a romantic or intimate relationship on both supervisors and subordinates. However, the OIG did not make findings of misconduct against [REDACTED]. Moreover, going forward, the OIG does not intend to name subordinates as subjects in investigations of this nature, and we do not intend to make findings of misconduct against the subordinates solely for failure to report a romantic or intimate relationship. A Management Advisory Memorandum (MAM) to the Department regarding this issue is forthcoming.

<sup>21</sup> The Awards Committee consisted of two Assistant Special Agents in Charge (ASAC) [REDACTED], two Supervisory Special Agents (SSA), the Administrative Officer (AO), and the Administrative Assistant.





preferential treatment or other improper conduct."<sup>27</sup> We concluded that when ██████ involved himself in the awards process by making statements to the Awards Committee and to ██████, he not only failed to avoid creating an appearance of preferential treatment but actually invited inferences of favoritism from numerous members of his staff. Thus, we determined that ██████ did not meet the higher standard of conduct outlined in Section 4.7.7.1(c). of the Ethics Guide.

### **b. Promotion**

The complaint also alleged that ██████ promoted ██████ without announcing the position for competition because he was involved in a relationship with her. Our investigation showed that ██████ was not required to announce the ██████ position for competition. However, for reasons discussed below, we concluded that ██████ should not have participated in the promotion process because he and ██████ were involved in a romantic and intimate relationship, and the impartiality of his decision-making was in question.

During our investigation, we learned that ██████ ██████ sent an email to numerous SACs, including ██████ advising them that the ██████ "has approved the creation of a ██████ position in up to 28 additional offices...where the position is the sole or lead ██████" ██████ stated in the email that the SACs selected to receive this notice were those who oversaw divisions that met the ██████ criteria for a ██████ position, and that ██████ will ask the FBI Deputy Director and the FBI Human Resources Division "to non-competitively direct place your current ██████ into the stand-alone ██████ position." ██████ email instructed the SACs to let her know if they were interested in upgrading their ██████ to the ██████ position, and to "verify" that the ██████ was "the sole or lead ██████" for the division. ██████ concluded the email by stating that upon receipt of the verifications from the SACs, she will "compile the list for upgrade and pursue the direct placement option on your [the SACs'] behalf."

██████████, when ██████ received the ██████ email, ██████ held a ██████ position ██████ and was the "sole or lead ██████" Evidence showed that upon receiving the ██████ email, ██████ forwarded the communication to the ██████ Administrative Officer (AO) and to the two Assistant Special Agents in Charge (ASAC). ██████ wrote in the forwarded email that he planned to put in ██████ name for the ██████ promotion "unless anyone has a compelling reason not to." ██████ told the OIG that he shared the ██████ email with these three individuals because he wanted to go "out of my way to make sure that it was not me making these decisions by myself, seeking other input so that I would not have an appearance of favoritism or anything inappropriate."<sup>28</sup> ██████ stated that after he did not get a

<sup>27</sup> PD 0754DPG § 4.7.7.1(c).

response to the email from the AO or the two ASACs, he responded to the [REDACTED] and advised her that the [REDACTED] fully supports” [REDACTED] becoming a [REDACTED]

The AO told the OIG that she did not respond to [REDACTED] email because she did not interpret it as actually asking for input. The ASACs said they mentioned to [REDACTED] that they had concerns about the [REDACTED] upgrade not being advertised for competition, and that they did not think [REDACTED] had enough work to sustain a full-time [REDACTED] position. Both ASACs stated that [REDACTED] did not respond to their concerns.

Documents show that [REDACTED] promotion to the [REDACTED] position became effective [REDACTED]. [REDACTED] told the OIG that she did not think that [REDACTED] support for her promotion violated FBI policy, even though she agreed that the promotion was an action that improved her financial position. [REDACTED] stated that she considered the promotion to have been initiated by [REDACTED], and thought that [REDACTED] affirmation of her qualifications for the promotion was a mere formality.

According to several witnesses, a few members of [REDACTED] staff complained among themselves about [REDACTED] promotion. For example, three witnesses stated that a few individuals speculated that [REDACTED] got the promotion because of her rumored relationship with [REDACTED]. On the other hand, other witnesses told the OIG that once they learned that the idea of the promotion came from [REDACTED] and was not something [REDACTED] initiated, they stopped questioning its legitimacy. Neither [REDACTED] nor [REDACTED] recalled anyone [REDACTED] confronting them about the fairness of the promotion.

Section 11.1.2.3. of the Personal Relationships Policy prohibits an employee, who has no “specific, advance management approval,” from participating in certain hiring or organizational decisions involving individuals with whom the employee has a personal relationship and where a reasonable person would question the employee’s impartiality. As stated in Section III.A. of this report, the Personal Relationships Policy defines an organizational decision as a “decision involving a squad, a case, a shift, a vehicle assignment, or other working conditions.”<sup>29</sup> We concluded that when [REDACTED] provided information and verification to the [REDACTED] about [REDACTED] qualifications for the potential [REDACTED] promotion, he participated in a decision involving [REDACTED] working conditions, which we determined was an organizational decision as defined by the Personal Relationships Policy.<sup>30</sup> We also concluded that although the Personal Relationships Policy does not define a “personal relationship,” [REDACTED] romantic and intimate relationship with [REDACTED] was the type of relationship that Section 11.1.2.3. of the Personal Relationships Policy was intended to cover. Furthermore, we found that given the duration and escalating seriousness of [REDACTED] and [REDACTED] relationship, a

---

<sup>29</sup> PD 0802D § 15.2.3.

<sup>30</sup> See PD 0802D § 15.2.3.

reasonable person would question [REDACTED] impartiality regarding decisions that involved and benefited [REDACTED], such as a promotion to a higher grade.<sup>31</sup> Since [REDACTED] participated in [REDACTED] promotion without management approval, we concluded that he violated Section 11.1.2.3. of the Personal Relationships Policy.

In addition to limiting when employees in romantic or intimate relationships can participate in hiring or organizational decisions, the Personal Relationships Policy also states that a supervisor must not “[d]isrupt workplace morale by..., for example, showing favoritism to the subordinate through vehicle or work assignments, promotions, advancements, appraisals, training opportunities, or travel opportunities.”<sup>32</sup> Since the idea of the promotion originated from [REDACTED], and since [REDACTED] involvement with the promotion was limited to confirming facts about [REDACTED] position, we did not find evidence that [REDACTED] showed favoritism to [REDACTED] by initiating the promotion process. On the other hand, we cannot state whether [REDACTED] would have made the same decision to upgrade [REDACTED] position had the incumbent been someone other than [REDACTED]. Indeed, at least some employees speculated that [REDACTED] promotion was tied to her rumored relationship with [REDACTED]. [REDACTED] failure to remove himself from all aspects of [REDACTED] promotion invited suspicion about its legitimacy and, at minimum, created an appearance of potential favoritism.

### c. Private Office

The complaint alleged that [REDACTED] engaged in additional favoritism by assigning [REDACTED] to a private office in violation of [REDACTED] policy. While we did not substantiate the allegation that [REDACTED] violated [REDACTED] policy by moving [REDACTED] to a private office, we concluded that his participation in the decision about [REDACTED] office space violated Section 11.1.2.3. of the Personal Relationships Policy, and was inconsistent with the Ethics Guide.

We learned during our investigation that the [REDACTED] had no written policies or guidelines regarding office assignments. The [REDACTED] did, however, adhere to a standard practice of assigning private offices to supervisors, while non-supervisory staff occupied shared office space or cubicles.<sup>33</sup>

[REDACTED] told the OIG that [REDACTED] prior to [REDACTED] coming to [REDACTED] she worked out of a shared office space. [REDACTED] stated that at some

---

<sup>31</sup> As discussed in Section III.B.1. above, we concluded that despite the modifications to the relationship that [REDACTED] and [REDACTED] instituted while [REDACTED], the relationship did not end. Therefore, we did not find that [REDACTED] gained any amount of impartiality [REDACTED] while he was engaging with the [REDACTED] about [REDACTED] promotion.

<sup>32</sup> PD 0802D § 11.2.1.2.

<sup>33</sup> In special circumstances, the [REDACTED] did permit a few non-supervisory employees to occupy private offices. One of these employees held a position that used to be supervisory; two other employees held positions that, because of their particular duties, made private offices necessary [REDACTED]. The [REDACTED] was not one of the positions that fell under these special circumstances.

point during [redacted] tenure at [redacted], she mentioned to him that she wanted to move her office to a private space.<sup>34</sup> [redacted] explained to the OIG that she needed a private space to have sensitive discussions, and because she needed to have a consistent location to [redacted] and to host conference calls. [redacted] told the OIG that in retrospect, she questioned whether [redacted] should have been involved in the decision regarding her office, but also said that even if she and [redacted] did not have a romantic and intimate relationship, she believed that he still would have placed her in a private office.

[redacted] told the OIG that when [redacted] mentioned to him that she needed a private office to do her job, he agreed with her. According to [redacted], he made the decision to give [redacted] the private office sometime [redacted] after [redacted] began reporting to [redacted]. [redacted] stated that despite not being [redacted] direct supervisor, he was justified in making the decision about [redacted] office because he "was able to separate the relationship with the needs of the office. And sincerely believed that was in the best interest of the division that she be in an office to handle her job the way that she needed to handle it." [redacted] further stated that when it came to the office decision (and other decisions involving [redacted]), he viewed himself as wearing two different hats.

One [hat] was, I have this relationship with this individual [redacted]. And that is what that is. The other hat was I'm the SAC of the division. I need to do what's best for the division and for the programs that I own as the SAC. So my position to this day is moving her into the office was the right move for her program, which was the right move for the division, which is the right move for the FBI. And it was consistent with what other SACs have done throughout the FBI. It benefitted (sic) the division, in my opinion, moving her into that office. It benefitted [redacted] by moving her into the office. Regardless of the relationship, I still would have made that exact, same decision."

Several witnesses disagreed with the premise that [redacted] needed a private office. They stated that while [redacted] made and received a lot of phone calls, her need for privacy was minimal because she worked on issues that were [redacted]. Witnesses further told the OIG that [redacted] decision to give [redacted] a private office was one of the actions that appeared to cause more consternation among staff than any of [redacted] other actions involving [redacted]. A few individuals speculated that the closeness of [redacted] relationship with [redacted] was the motivation for his decision to place her in a private office.

According to at least one document, [redacted] and [redacted] were aware that the private office assignment upset some [redacted] staff. On [redacted] [redacted] emailed [redacted] asking for permission to speak with [redacted] about "issues

---

<sup>34</sup> [redacted] told the OIG that she had made a similar request to the former SAC [redacted]. According to [redacted] the former SAC forwarded her request to [redacted], but then nothing happened. [redacted] denied being told by the former SAC about [redacted] request for a private office.

she raised...about my office...."<sup>35</sup> [REDACTED] replied that he would talk to [REDACTED] "unless you ask me not to," and [REDACTED] responded that she was concerned that [REDACTED] involvement could be viewed as a request from her that he interfere. [REDACTED] told the OIG that he did not ultimately speak with [REDACTED], and that after receiving [REDACTED] email he did not do anything to dispel any impressions of favoritism or bias regarding the office assignment. [REDACTED] however, stated that [REDACTED] did speak with her about the office and asked that in the future [REDACTED] explain to anyone who was upset about it why he decided to place [REDACTED] in a private space.

Section 11.1.2.3. of the Personal Relationships Policy prohibits an employee who has no approval from management from participating in an organizational decision—"a decision involving a squad, a case, a shift, a vehicle assignment, or other working conditions"—involving "an individual with whom he or she has a personal relationship and where a reasonable person would question the employee's impartiality."<sup>36</sup> We determined that [REDACTED] decision to assign [REDACTED] to a private office was a decision involving her working conditions and therefore should have been made with impartiality. Again, given the duration and seriousness of [REDACTED] romantic and intimate relationship with [REDACTED], a reasonable person would question whether [REDACTED] was impartial when he decided to move [REDACTED] to a private office. As a matter of fact, several witnesses questioned exactly this. Thus, since [REDACTED] did not obtain management approval, we concluded that [REDACTED] violated Section 11.1.2.3. of the Personal Relationships Policy by participating in the decision about [REDACTED] office space.<sup>37</sup>

Additionally, we concluded that [REDACTED] conduct was inconsistent with the higher standard of conduct set out in the Ethics Guide.<sup>38</sup> In this case, [REDACTED] abdicated this greater responsibility because he gratuitously involved himself in a staff-level office decision and invited speculation among his employees about the lack of fairness in his decision-making. We therefore determined that [REDACTED]

---

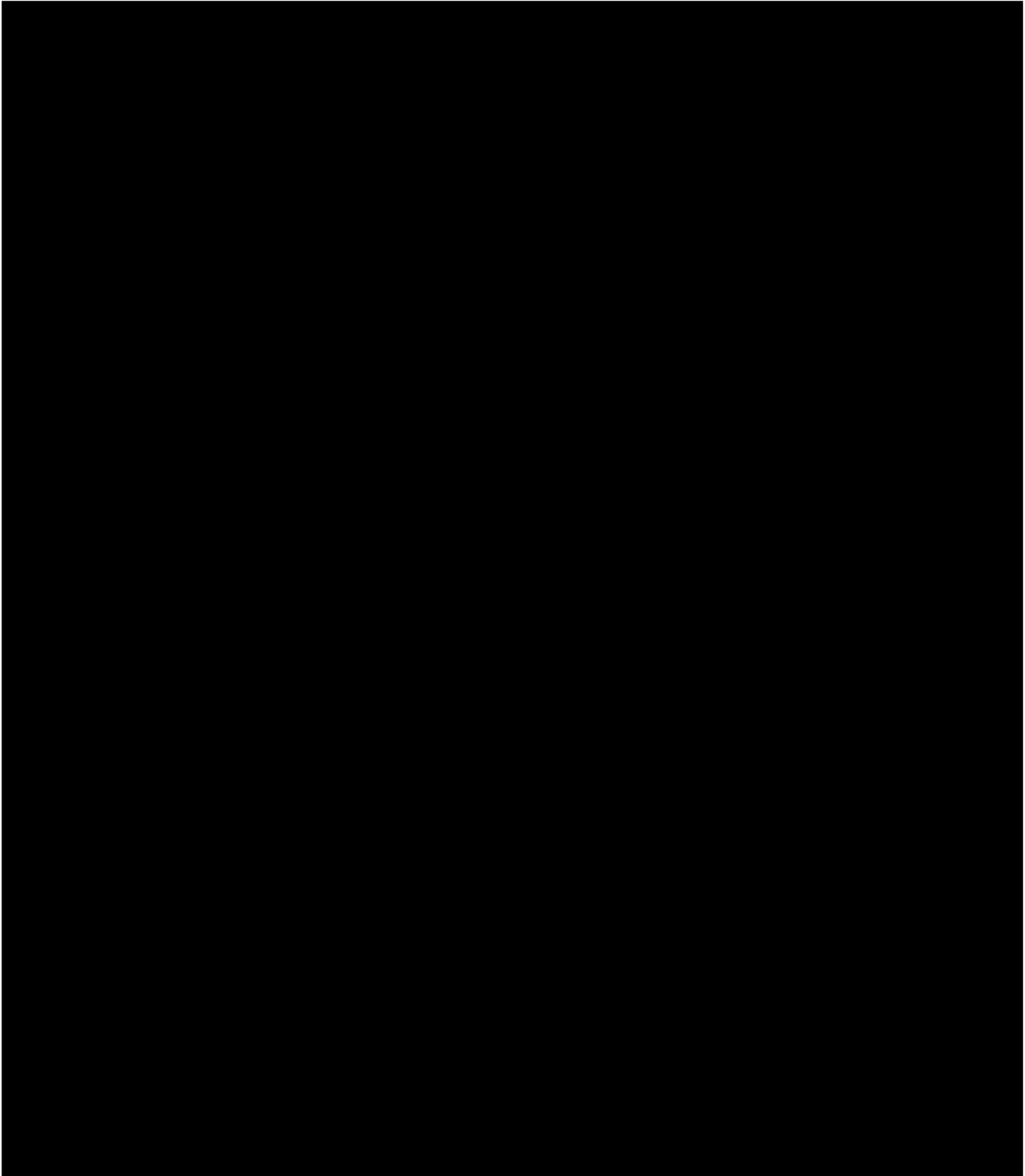
<sup>35</sup> The date of this email suggests that [REDACTED] moved [REDACTED] to a private office before [REDACTED]. Although this is inconsistent with the time period [REDACTED] recalled, *i.e.*, sometime [REDACTED], it is in line with his recollection that the move occurred when he was not [REDACTED] supervisor.

<sup>36</sup> PD 0802D §§ 11.1.2.3, 15.2.3.

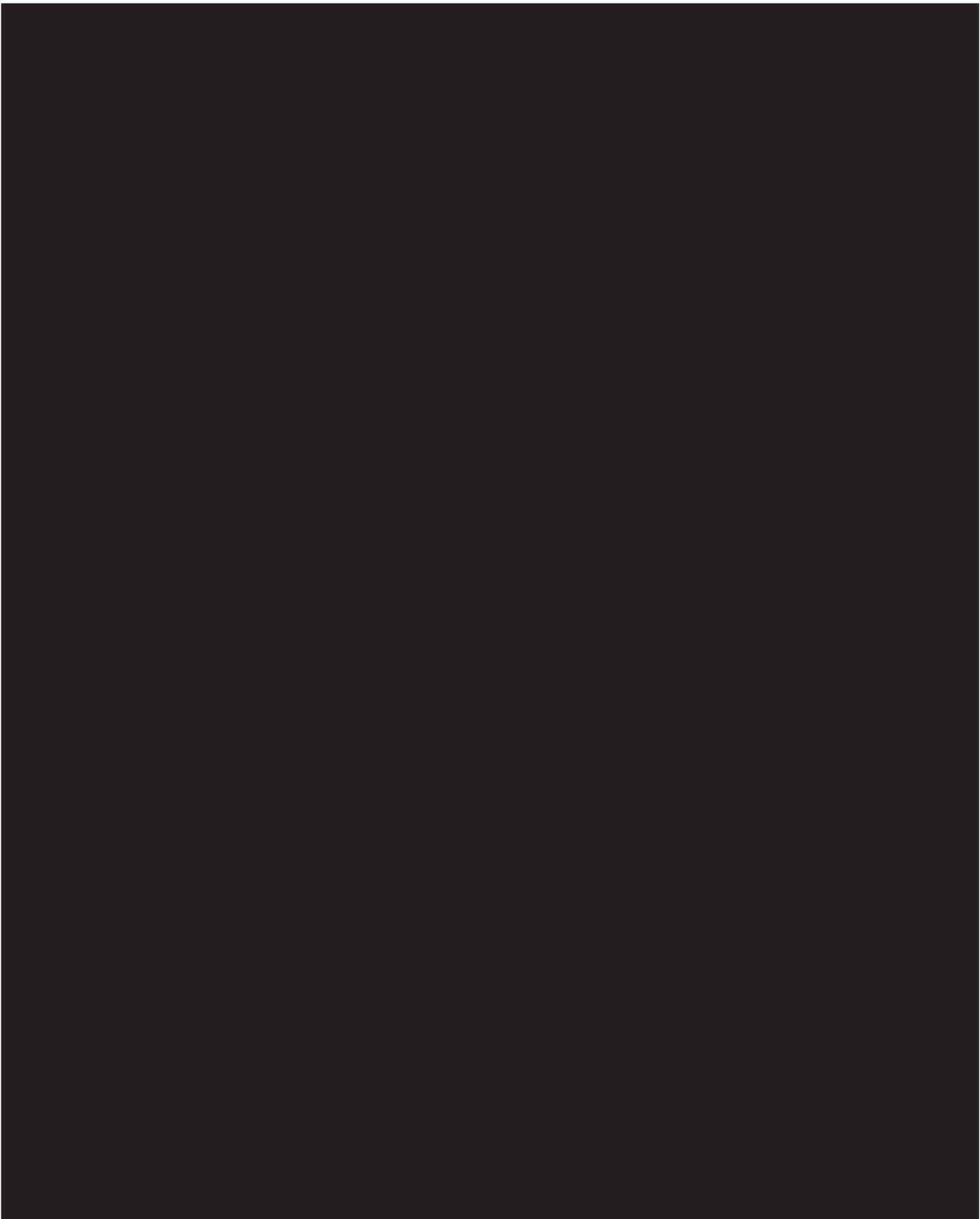
<sup>37</sup> The Personal Relationships Policy also states that a supervisor must not "[d]isrupt workplace morale by..., for example, showing favoritism to the subordinate through vehicle or work assignments, promotions, advancements, appraisals, training opportunities, or travel opportunities." PD 0802D § 11.2.1.2. Office assignments are not one of the actions the Personal Relationships Policy specifically enumerates as being indicative of a supervisor's favoritism. Nevertheless, given the [REDACTED] practice of assigning private offices to supervisors, and since [REDACTED] was not [REDACTED] direct report when he decided to move her to a private office, [REDACTED] involvement with the office raises questions about his motivations and suggests that he may have been exhibiting some favoritism toward [REDACTED]. While we ultimately did not find that [REDACTED] actions with respect to the office violated the Personal Relationships Policy's anti-favoritism prohibition, we found that out of an abundance of caution, [REDACTED] should have abstained from the office decision.

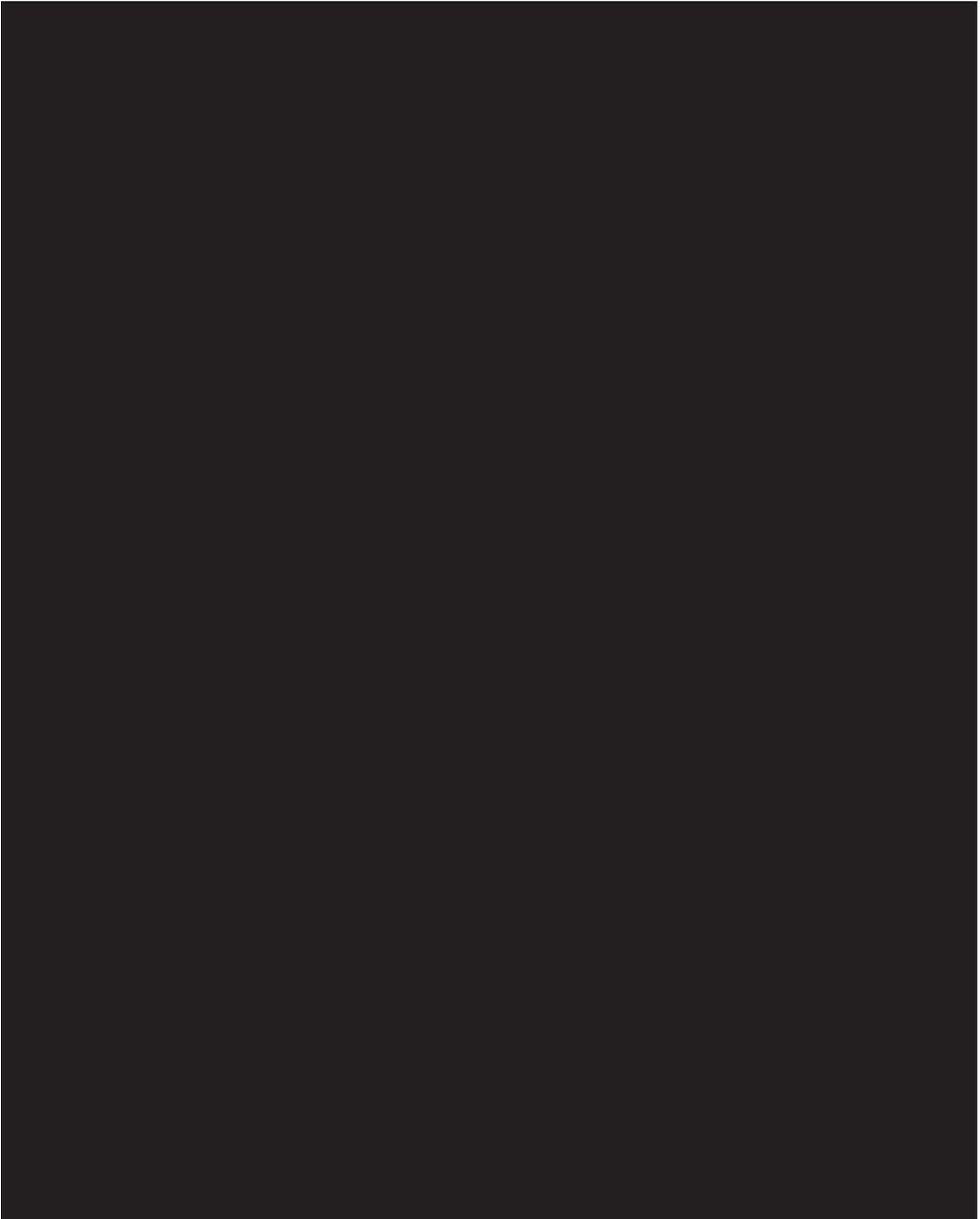
<sup>38</sup> See PD 0754DPG § 4.7.7.1(c). The Guide states that a supervisor has a greater responsibility "to avoid creating appearances of preferential treatment or other improper conduct." *Id.*

actions did not meet the higher standard of conduct set out in Section 4.7.7.1(c). of the Guide.









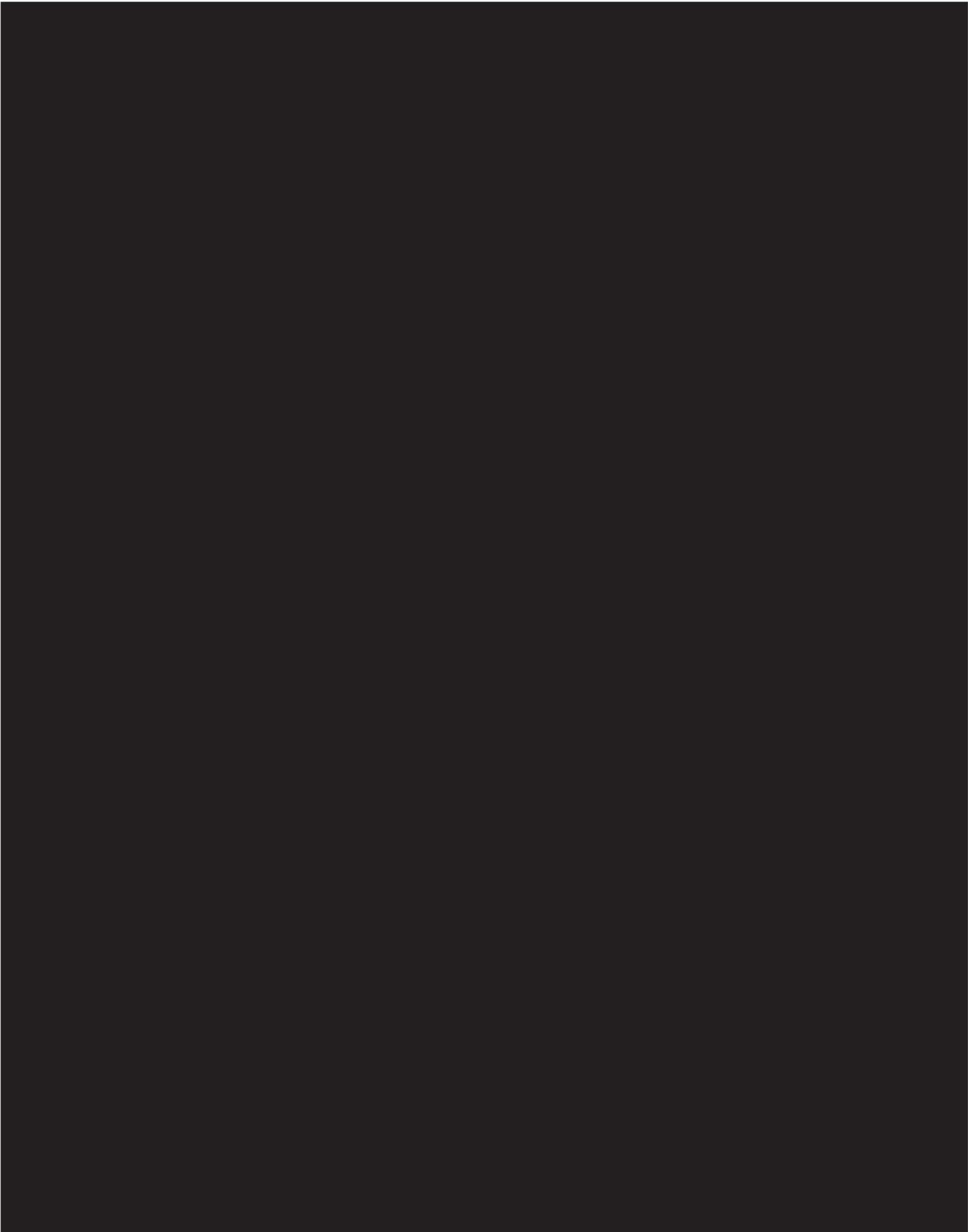
### 3. Adverse Effects of the Relationship on the [REDACTED] Morale

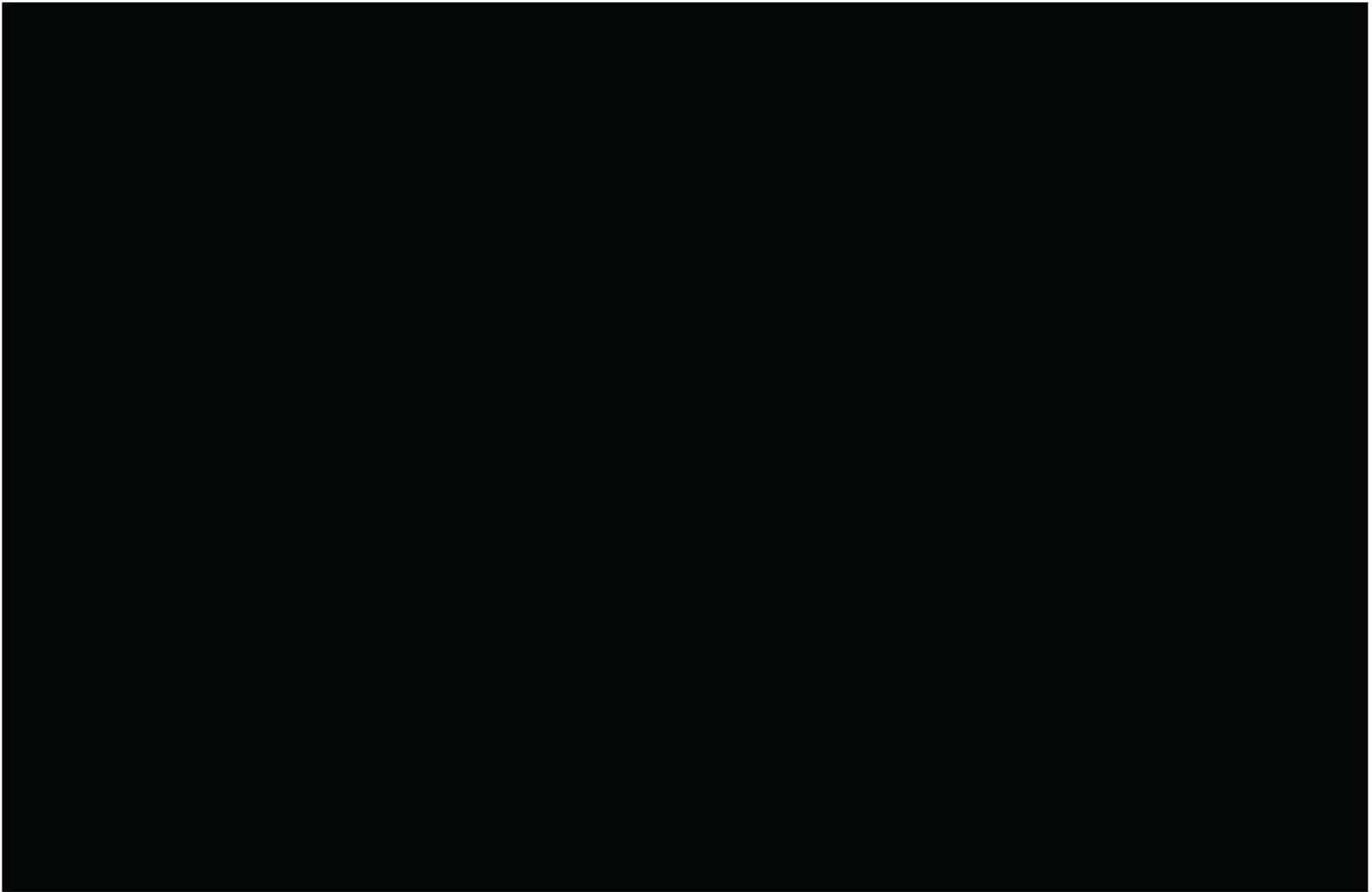
The complaint alleged that the relationship between [REDACTED] and [REDACTED] along with the actions that [REDACTED] took which exhibited favoritism, caused a decline in the [REDACTED] staff's morale, [REDACTED]

With respect to the alleged decline in the [REDACTED] morale, as discussed in Sections II.B.2.a-c above, we concluded that of the [REDACTED] actions the complaint identified, [REDACTED] exhibited some degree of favoritism or a lack of impartiality with respect to three of the actions. Specifically, we found that [REDACTED] involvement in the awards process, his participation in [REDACTED] promotion, and his decision to assign [REDACTED] to a private office, were the actions that elicited the greater amount of speculation and concern about favoritism and bias among the [REDACTED] staff. As such, we found that these were the actions that were most likely to affect and lower staff morale. In fact, witnesses told us that some staff talked about and dwelled on these actions and the relationship [REDACTED] had with [REDACTED]. Numerous witnesses also told the OIG that the speculations about favoritism and the relationship were just one of the factors that contributed to the decrease in the morale, [REDACTED]

[REDACTED] Based on these facts, we concluded that [REDACTED] relationship with [REDACTED] was a contributing factor in the decline in morale among some [REDACTED] staff.

<sup>48</sup> See PD 0802D; PD 0754DPG.





## VI. Conclusions

In sum, we concluded that [REDACTED] violated the Personal Relationships Policy by failing to report his romantic and intimate relationship with [REDACTED] to the FBI management. We also found that [REDACTED] violated the Personal Relationships Policy by: (1) involving himself in the awards process resulting in [REDACTED] receiving a performance award; (2) participating in [REDACTED] promotion; and (3) assigning [REDACTED] to a private office. We concluded that [REDACTED] involvement in these actions constituted "organizational decisions" that [REDACTED] took while lacking impartiality or showed favoritism toward [REDACTED]. Furthermore, we concluded that when [REDACTED] participated in the awards process, and when he moved [REDACTED] to a private office, he did not fulfill his greater responsibility to avoid creating appearances of preferential treatment or other improper conduct. Thus, we concluded that in addition to violating the Personal Relationships Policy, his actions were also inconsistent with the standard of conduct set out for supervisors in the Ethics Guide.

[REDACTED]

[REDACTED] We also found that [REDACTED] relationship with [REDACTED] was a contributing factor in the decline in morale among some [REDACTED] staff.

[REDACTED]

[REDACTED] retired from federal employment during the pendency of our review. We provided a copy of this report to the FBI for action it deems appropriate.



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](https://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**  
[oig.justice.gov](https://oig.justice.gov)

**Twitter**  
[@JusticeOIG](https://twitter.com/JusticeOIG)

**YouTube**  
[JusticeOIG](https://www.youtube.com/JusticeOIG)

Also at [Oversight.gov](https://Oversight.gov)