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During the investigation, the OIG found indications that (b)(6); (b)(7)(C) also engaged in an unreported, intimate relationship with (b)(6); (b)(7)(C) while she was under his indirect supervision. (b)(6); (b)(7)(C)

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

The investigation substantiated that, on (b)(6); (b)(7)(C) made an unsolicited sexual advance toward (b)(6); (b)(7)(C) while he was intoxicated at a social gathering in violation of the DOJ and FBI sexual harassment policies and the FBI Code of Conduct. The OIG interviewed four witnesses regarding the events of (b)(6); (b)(7)(C). The witnesses told the OIG that they observed (b)(6); (b)(7)(C) become heavily intoxicated and act erratically at the social gathering which (b)(6); (b)(7)(C) also attended. One witness told the OIG that they observed (b)(6); (b)(7)(C) touch (b)(6); (b)(7)(C) on the shoulder and that she appeared to become uncomfortable while seated next to (b)(6); (b)(7)(C) for a brief period. (b)(6); (b)(7)(C) described that (b)(6); (b)(7)(C) put his hand on her leg under the table and tried to “make his way up” while whispering obscene things in her ear and asking her to come back to his apartment. (b)(6); (b)(7)(C) said that she pushed (b)(6); (b)(7)(C) off of her, after which (b)(6); (b)(7)(C) stopped engaging in the behavior. (b)(6); (b)(7)(C) further stated that the (b)(6); (b)(7)(C) incident did not impact her interactions at work with (b)(6); (b)(7)(C) and that (b)(6); (b)(7)(C) was never unprofessional with her in the office.

The OIG investigation also substantiated the allegation that (b)(6); (b)(7)(C) was involved in an unreported, romantic relationship with (b)(6); (b)(7)(C) who, at the time the relationship began, was (b)(6); (b)(7)(C) subordinate. In a voluntary interview, (b)(6); (b)(7)(C) admitted to engaging in an unreported, romantic relationship with (b)(6); (b)(7)(C) that began in (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) At that time, (b)(6); (b)(7)(C) held the position of (b)(6); (b)(7)(C) and fell under (b)(6); (b)(7)(C) chain of command. The relationship continued through the end of (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) The OIG reviewed text messages between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) from (b)(6); (b)(7)(C) personal cell phone, which (b)(6); (b)(7)(C) voluntarily provided to the OIG. These text messages confirmed the relationship between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) and showed they knew their failure to report the relationship violated FBI policy. (b)(6); (b)(7)(C)

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

(b)(6); (b)(7)(C) The preponderance of the evidence obtained in the investigation indicated that (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) were involved in a series of activities that led to a consensual sexual encounter, in which (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) all voluntarily participated at (b)(6); (b)(7)(C) residence in the early morning hours of (b)(6); (b)(7)(C) At that time, (b)(6); (b)(7)(C) fell under (b)(6); (b)(7)(C) indirect supervision (b)(6); (b)(7)(C) therefore, the OIG investigation substantiated that (b)(6); (b)(7)(C) engaged in an unreported intimate encounter with a subordinate, (b)(6); (b)(7)(C) in violation of FBI policy.

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

(b)(6); (b)(7)(C) However, all of the other evidence, including (b)(6); (b)(7)(C) own text messages as well as testimony from (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) indicated, as described above, that (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) were

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involved in a series of activities that led to a consensual sexual encounter, in which (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) all voluntarily participated, at (b)(6); (b)(7)(C) residence in the early morning hours of (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) told the OIG that on the evening of (b)(6); (b)(7)(C) took a sexually explicit photograph of (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) together (b)(6); (b)(7)(C), and that (b)(6); (b)(7)(C) sent the photograph to (b)(6); (b)(7)(C) using (b)(6); (b)(7)(C) cell phone. (b)(6); (b)(7)(C) said that (b)(6); (b)(7)(C) subsequently arrived at the bar and began to physically touch both (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) with their consent. (b)(6); (b)(7)(C) told the OIG that after leaving (b)(6); (b)(7)(C) she, (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) participated in a consensual sexual encounter at (b)(6); (b)(7)(C) residence.

Another FBI employee (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) told the OIG that (b)(6); (b)(7)(C) admitted to having a consensual sexual encounter with (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C)

The OIG reviewed screenshots and forensic captures of text messages and photographs from the personal cell phones of (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C). The information confirmed the existence of the sexually explicit photograph of (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) as well as communication involving (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) indicating that a consensual sexual encounter involving (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) took place.

In a compelled interview, (b)(6); (b)(7)(C) admitted to making a sexual advance toward (b)(6); (b)(7)(C) on (b)(6); (b)(7)(C), but stated he did not remember touching (b)(6); (b)(7)(C) as alleged because he was heavily intoxicated. (b)(6); (b)(7)(C) admitted to having a relationship with (b)(6); (b)(7)(C) and failing to report it to his chain of command. (b)(6); (b)(7)(C) also admitted that, when the relationship began, (b)(6); (b)(7)(C) was his subordinate (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) stated that he went to the (b)(6); (b)(7)(C) after receiving the sexually explicit photograph of (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) and physically touched both (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) with their consent. (b)(6); (b)(7)(C) further stated that the events culminated in a consensual sexual encounter in which he, (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) all voluntarily participated at his residence.

In a compelled interview, (b)(6); (b)(7)(C) admitted to taking the sexually explicit photographs with (b)(6); (b)(7)(C) and to sending them to (b)(6); (b)(7)(C) to solicit his participation in a sexual encounter with her and (b)(6); (b)(7)(C)

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

(b)(6); (b)(7)(C) provided text messages from her personal cell phone confirming that, after initially telling (b)(6); (b)(7)(C) that she had a sexual encounter with (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) on (b)(6); (b)(7)(C)

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

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

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

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Unless otherwise noted, the OIG applies the preponderance of the evidence standard in determining whether DOJ personnel have committed misconduct. The Merit Systems Protection Board applies this same standard when reviewing a federal agency's decision to take adverse action against an employee based on such misconduct. See 5 U.S.C. § 77011(1)(B); 5 C.F.R. § 1201.56(b)(1)(ii).

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Additional Subjects



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DETAILS OF INVESTIGATION

Predication

The Department of Justice (DOJ) Office of the Inspector General (OIG) initiated this investigation upon the receipt of information from the Federal Bureau of Investigation (FBI) on [REDACTED]. The information alleged that, on [REDACTED] FBI Supervisory Special Agent [REDACTED] physically touched in a sexual manner and sexually harassed FBI employee [REDACTED] while at a social gathering [REDACTED].

[REDACTED]

[REDACTED] Lastly, the information alleged that [REDACTED] was engaged in an unreported, romantic relationship with FBI employee [REDACTED].

[REDACTED]

[REDACTED]

During the investigation, the OIG found indications that [REDACTED] also engaged in an unreported, intimate relationship with [REDACTED] while she was under his indirect supervision. [REDACTED]

[REDACTED]

Investigative Process

The OIG's investigative efforts consisted of the following:

Interviews of the following Federal Bureau of Investigation personnel:

[REDACTED]

[REDACTED] Supervisory Special Agent

[REDACTED]

Interviews of the following individuals:

[REDACTED]

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Review of the following:

- Information received from the FBI Inspections Division
- Information received from [REDACTED]
- Text messages received from [REDACTED]
- An email received from [REDACTED] on [REDACTED]
- Screenshots of text messages from [REDACTED] from [REDACTED] Apple Watch
- Pictures of the social event on [REDACTED] received from [REDACTED]
- Information obtained from the limited forensic extraction of [REDACTED] personal cell phone
- Information obtained from the limited forensic extraction of [REDACTED] personal cell phone
- Information obtained from the limited forensic extraction of [REDACTED] personal cell phone
- An email received from [REDACTED] on [REDACTED]
- Screenshots of text messages between [REDACTED] and [REDACTED] received from [REDACTED]
- Official emails, Teams and text messages, and call logs provided by the FBI for [REDACTED]
- Information obtained from the limited forensic extraction of [REDACTED] personal cell phone

Background

[REDACTED]

[REDACTED] was the initial complainant in the investigation. [REDACTED], reported the allegations involving both after learning in [REDACTED] of the alleged incident involving [REDACTED] and [REDACTED]. [REDACTED] then informed [REDACTED] and solicited written statements from both [REDACTED] and [REDACTED] which predicated this investigation. [REDACTED] told the OIG that he learned of the allegations involving [REDACTED] and [REDACTED] in [REDACTED] but did not make a report after [REDACTED] declined to pursue the matter.

Relevant Authorities

Attorney General Policy Memorandum #2015-4 – Prevention of Harassment in the Workplace, dated October 9, 2015, states in part:

The Department of Justice will maintain a zero-tolerance work environment that is free from harassment (including sexual harassment) based on sex, race, color, religion, national origin, gender identity, age, disability (physical or mental), genetic information, status as a parent, sexual orientation, marital status, political affiliation, or any other impermissible factor....

Harassing conduct is defined as any unwelcome verbal or physical conduct that is based on any of the above-referenced characteristics when this conduct explicitly or implicitly affects an individual's employment; unreasonably interferes with an individual's work performance; or creates an intimidating, hostile, or offensive work environment.

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To enforce this zero-tolerance policy, the Department will treat harassing conduct as misconduct, even if it does not rise to the level of harassment actionable under Title VII of the Civil Rights Act of 1964, as amended. The Department will not wait for a pattern of offensive conduct to emerge before addressing claims of harassment. Rather, the Department will act before the harassing conduct is so pervasive and offensive as to constitute a hostile environment. Even where a single utterance of an ethnic, sexual, racial, or other offensive epithet may not be severe enough to constitute unlawful harassment in violation of Title VII, it is the Department's view that such conduct must be prevented whenever possible through awareness, robust policies and effective and appropriate follow-up, investigation, and enforcement of the zero-tolerance policy.

The Department reiterated this zero-tolerance policy specifically with respect to sexual harassment in the Memorandum for Heads of Department Components: "Sexual Harassment and Sexual Misconduct," dated April 30, 2018, which states:

"Sexual harassment" refers to unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment, whether such activity is carried out by a supervisor or by a co-worker. This could include such workplace conduct as displaying "pinup" calendars or sexually demeaning pictures, telling sexually oriented jokes, making sexually offensive remarks, engaging in unwanted sexual teasing, subjecting another employee to pressure for dates, sexual advances, or unwelcome touching. Sexual harassment occurs when employment decisions affecting an employee, such as hiring, firing, promotions, awards, transfers, or disciplinary actions, result from submission to or rejection of unwelcome sexual conduct. Title VII of the Civil Rights Act of 1964 generally prohibits sexual harassment.[²]

It is the Department's policy to treat harassing conduct as misconduct, even if it does not rise to the level of harassment actionable under Title VII. The Department will not wait for a pattern of offensive conduct to emerge before addressing claims of harassment. Rather, the Department will act before the harassing conduct is so pervasive and offensive as to constitute a hostile environment....

Sexual misconduct can include actions that occur either in the workplace or outside the workplace when there is a nexus between the conduct and the employee's duties and responsibility or the agency's mission. The Department expects that employees will comport themselves appropriately on and off the job. The Department may show a nexus between off-duty misconduct and the efficiency of service by three means: (1) a rebuttable presumption in certain egregious circumstances, e.g. commission of a violent crime or sexual misconduct with minors; (2) preponderant evidence that the misconduct adversely affects the employee's or co-workers' job performance or the Department's trust and confidence in the employee's job performance; or (3) preponderant evidence that the misconduct interfered with or adversely affected the Department's mission. This most often applies where the employee engages in the very type of behavior that the Department is charged with preventing or addressing.

² Title VII of the Civil Rights Act, as implemented by 29 C.F.R. § 1604.11, provides: "Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) 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."

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The Memorandum from the Assistant Attorney General for Administration and Designated Agency Ethics Official, "Off-Duty Conduct," dated January 29, 2016, provides in pertinent part: "Employees may be disciplined for off-duty conduct if there is a nexus (connection) between the offending conduct and the employee's job-related responsibilities such that the proposed discipline would 'promote the efficiency of the Service.'" The Memorandum states that one way to establish a nexus between off-duty misconduct and the efficiency of the service is to establish "preponderant evidence that the misconduct interfered with or adversely affected the agency's mission."

The FBI Harassment Policy, 1038D, Section 5.2.1, defines sexual harassment as "a form of harassment based on sex and is characterized by (1) unwelcome sexual advances; (2) requests for sexual favors; and (3) other verbal, nonverbal, or physical conduct of a sexual nature that is directed at an individual of the same or opposite sex when:

- [•] Submission to, or rejection of, this conduct by an individual is made a term or a condition of an individual's employment, either explicitly or implicitly.
- [•] This conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."

The FBI Personal Relationships Policy, 0802D, Section 6.1.2.2, requires FBI employees to "[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, so that management may determine whether remedial action, such as reassignment, is necessary to prevent interference with the FBI's mission." An intimate relationship is defined in the policy as "a relationship that involves sexual contact," and a romantic relationship is defined as "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."³

Section 6.1.2.3 of the FBI Personal Relationships Policy states that employees must "refrain—without 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." An organizational decision is defined in the policy as "a decision involving a squad, a case, a shift, a vehicle assignment, or other working conditions."

FBI Offense Code 5.20, Sexual Harassment, subjects employees to discipline for "[m]aking unwelcome or unwanted sexual advances, requesting sexual favors, or engaging in other verbal or physical conduct of a sexual nature. Unwelcome conduct of a sexual nature by a supervisor or a coworker can constitute sexual harassment."

The FBI Ethics and Integrity Program Policy Guide, 1120PG, Section 3.1, states that employees shall "[c]onduct their personal activities in a manner that does not impede their professional performance or tarnish the reputation of the FBI."

FBI Offense Code 5.21, Unprofessional Conduct- Off Duty, subjects employees to discipline for "[e]ngaging in conduct, while off duty, which dishonors, disgraces, or discredits the FBI; seriously calls into question the judgment or character of the employee; or compromises the standing of the employee among his peers or in his community."

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

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

(b)(6); (b)(7)(C) inappropriate Relationship with (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)

The information provided to the OIG alleged that (b)(6); (b)(7)(C) was engaged in an unreported, romantic relationship with FBI employee (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)

In interviews with the OIG, (b)(6); (b)(7)(C) all described (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) as being in an ongoing romantic relationship. Specifically, (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) explained that the relationship began during (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)

In a voluntary interview, (b)(6); (b)(7)(C) confirmed to the OIG that she was involved in a romantic relationship with (b)(6); (b)(7)(C) that began in (b)(6); (b)(7)(C) further affirmed that, at that time, she held the position of (b)(6); (b)(7)(C) and fell under (b)(6); (b)(7)(C) indirect supervision as a member of his section. She also explained that she sought and obtained a different position (b)(6); (b)(7)(C) SO that, upon (b)(6); (b)(7)(C) return (b)(6); (b)(7)(C) they could pursue a relationship absent a supervisor-subordinate affiliation. (b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) estimated that she and (b)(6); (b)(7)(C) had sexual contact approximately 10 times and that at least one of these contacts occurred while (b)(6); (b)(7)(C) was in her chain of command (b)(6); (b)(7)(C) She described that they initially used their FBI-issued cell phones to communicate but more frequently and recently maintained regular contact via text messages on their personal cell phones. (b)(6); (b)(7)(C) told the OIG that neither she nor (b)(6); (b)(7)(C) formally notified the FBI of their relationship but that "people knew" of it.

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A review of text messages, voluntarily provided by (b)(6); (b)(7)(C) between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) on their personal cell phones revealed numerous messages consistent with individuals in an intimate relationship. Between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) exchanged 654 text messages, including numerous messages discussing sexual activity and a sexually explicit photograph sent to (b)(6); (b)(7)(C) by (b)(6); (b)(7)(C) at his request. Additionally, a message sent from (b)(6); (b)(7)(C) to (b)(6); (b)(7)(C) - stated the following:

(b)(6); (b)(7)(C)
(b)(6); (b)(7)(C). I agree we've lied about us for some time now and probably shouldn't have for this long but we did and have to live with it..

In a compelled interview, (b)(6); (b)(7)(C) admitted to having an ongoing, intimate relationship with (b)(6); (b)(7)(C) and failing to report it to his FBI management. He confirmed that the relationship began in (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) estimated that his first sexual contact with (b)(6); (b)(7)(C) was also in (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) further confirmed that between (b)(6); (b)(7)(C) he and (b)(6); (b)(7)(C) were in the same unit, (b)(6); (b)(7)(C) and that, therefore, (b)(6); (b)(7)(C) was under his chain of command. (b)(6); (b)(7)(C)

OIG's Conclusion

The OIG investigation substantiated the allegation that (b)(6); (b)(7)(C) engaged in an unreported romantic and intimate relationship with (b)(6); (b)(7)(C) in violation of the FBI Personal Relationships Policy, 0802D. The facts are undisputed that (b)(6); (b)(7)(C) engaged in a romantic and intimate relationship with (b)(6); (b)(7)(C) that for the first two months of that relationship, they were in the same unit at the FBI and (b)(6); (b)(7)(C) was under (b)(6); (b)(7)(C) supervisory chain of command; and that (b)(6); (b)(7)(C) failed to report the relationship to his FBI management. Accordingly, the OIG concluded that (b)(6); (b)(7)(C) violated section 6.1.2.2 of the FBI Personal Relationships Policy, which states requires FBI employees to "report 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, so that management may determine whether remedial action, such as reassignment, is necessary to prevent interference with the FBI's mission."⁴

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

Sexual Harassment of (b)(6); (b)(7)(C) on (b)(6); (b)(7)(C)

The information provided to the OIG alleged that, on (b)(6); (b)(7)(C) at a social gathering (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) engaged in a series of actions that potentially constituted sexual harassment of FBI employee (b)(6); (b)(7)(C). These actions included, according to the information provided by (b)(6); (b)(7)(C), a sexual advance by (b)(6); (b)(7)(C) whispering "inappropriate" things in her ear, and the attempted touching of her lower genital area while in the presence of other gathering attendees. (b)(6); (b)(7)(C) further described that, following the incident,

⁴ The OIG acknowledges that the FBI's Personal Relationships Policy places an equal obligation to report a romantic or intimate relationship on both supervisors and subordinates. However, the OIG did not name (b)(6); (b)(7)(C) as a subject in this matter, because we do not make findings of misconduct against subordinates solely for their failure to report a romantic or intimate relationship. See [Management Advisory Memorandum of Concerns Identified in the Handling of Supervisor-Subordinate Relationships Across DOJ Components \(justice.gov\)](https://www.justice.gov/management-advisory-memorandum-of-concerns-identified-in-the-handling-of-supervisor-subordinate-relationships-across-doj-components).

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(b)(6); (b)(7)(C) apologized, claimed that he was heavily intoxicated, and asked if she intended to make a complaint against him for the conduct, which she did not at that time.

(b)(6); (b)(7)(C) wrote in a statement for the FBI and told the OIG that on (b)(6); (b)(7)(C) she, along with several FBI employees including (b)(6); (b)(7)(C), attended a (b)(6); (b)(7)(C) party. (b)(6); (b)(7)(C) stated that she and (b)(6); (b)(7)(C) worked together, but she was never his subordinate. (b)(6); (b)(7)(C) said that prior to (b)(6); (b)(7)(C) they had never spent time together outside of work and their relationship was professional. According to (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) became intoxicated and "tried to touch [her] private area." (b)(6); (b)(7)(C) said that the more (b)(6); (b)(7)(C) drank, "the more he tried." Specifically, (b)(6); (b)(7)(C) said that (b)(6); (b)(7)(C) put his hand on her leg under the table and tried to "make his way up," while whispering obscene sexual things in her ear and asking her to come back to his apartment. (b)(6); (b)(7)(C) stated that (b)(6); (b)(7)(C) also pulled on her belt loop. (b)(6); (b)(7)(C) told the OIG that she did not remember the precise words (b)(6); (b)(7)(C) whispered into her ear. (b)(6); (b)(7)(C) stated that she pulled away from (b)(6); (b)(7)(C) at which point FBI employee (b)(6); (b)(7)(C) intervened and asked her if she was okay. (b)(6); (b)(7)(C) said that (b)(6); (b)(7)(C) continued this behavior, so she pushed (b)(6); (b)(7)(C) off of her, after which (b)(6); (b)(7)(C) stopped engaging in the behavior. (b)(6); (b)(7)(C) told the OIG that (b)(6); (b)(7)(C) was noticeably drinking more than the other FBI employees at the outing. (b)(6); (b)(7)(C) said that the next day at work (b)(6); (b)(7)(C) apologized to her and told her he did not remember anything. (b)(6); (b)(7)(C) stated she "wasn't bothered," did not report the incident because she did not think there was anything to report and felt that she had "handled" it, and "never thought about it again." (b)(6); (b)(7)(C) further stated that the (b)(6); (b)(7)(C) incident did not impact her interactions at work with (b)(6); (b)(7)(C) and that (b)(6); (b)(7)(C) was never unprofessional with her in the office. (b)(6); (b)(7)(C) told the OIG that later the next year, (b)(6); (b)(7)(C) learned about what happened from another FBI employee and asked her why she did not report it. (b)(6); (b)(7)(C) stated she responded that she did not want to report the incident. (b)(6); (b)(7)(C) stated that she later learned that (b)(6); (b)(7)(C) reported the incident on her behalf.

In the predicated report and her interview with the OIG, (b)(6); (b)(7)(C) identified FBI employees (b)(6); (b)(7)(C) as other attendees at the gathering and potential witnesses to (b)(6); (b)(7)(C) conduct. In interviews with the OIG, all witnesses described (b)(6); (b)(7)(C) as very intoxicated at the event.

(b)(6); (b)(7)(C) said that she and the other FBI employees identified above went to two different locations on (b)(6); (b)(7)(C). She said that at the first location she observed (b)(6); (b)(7)(C) putting his arm around (b)(6); (b)(7)(C), hanging on (b)(6); (b)(7)(C) and leaning closely towards (b)(6); (b)(7)(C) while talking in her ear. (b)(6); (b)(7)(C) said that at one point (b)(6); (b)(7)(C) made a comment to her that (b)(6); (b)(7)(C) was "all over me, he won't leave me alone." (b)(6); (b)(7)(C) stated that she witnessed similar behavior by (b)(6); (b)(7)(C) towards (b)(6); (b)(7)(C) at the second location they went that evening. (b)(6); (b)(7)(C) said that she gave (b)(6); (b)(7)(C) a ride home, and when they both got out of the car (b)(6); (b)(7)(C) gave her (b)(6); (b)(7)(C) "a big bear hug" and picked her up. (b)(6); (b)(7)(C) said that the next day (b)(6); (b)(7)(C) apologized and told her he was embarrassed. (b)(6); (b)(7)(C) said she responded, "it's okay."

(b)(6); (b)(7)(C) told the OIG that he witnessed (b)(6); (b)(7)(C) touch (b)(6); (b)(7)(C) shoulder or arm and that (b)(6); (b)(7)(C) appeared to be uncomfortable at one point while sitting next to (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) stated that (b)(6); (b)(7)(C) was intoxicated and "very close" to (b)(6); (b)(7)(C) so he asked (b)(6); (b)(7)(C) if she was okay. (b)(6); (b)(7)(C) said he did not see anything "inappropriate."

Neither (b)(6); (b)(7)(C) nor (b)(6); (b)(7)(C) recalled witnessing any physical contact between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C), and none of the witnesses interviewed reported witnessing (b)(6); (b)(7)(C) touch (b)(6); (b)(7)(C) in the genital area.

In a compelled interview, (b)(6); (b)(7)(C) admitted to making a sexual advance toward (b)(6); (b)(7)(C) or (b)(6); (b)(7)(C), with the intent of returning to his apartment with her. He described that he stopped the attempt after (b)(6); (b)(7)(C) told him that (b)(6); (b)(7)(C) was not interested in having sex with him. (b)(6); (b)(7)(C) told the OIG that he did not recall specific details of his interaction with (b)(6); (b)(7)(C) due to his level of intoxication that evening but denied touching her in the genital area. (b)(6); (b)(7)(C) also confirmed that he spoke to (b)(6); (b)(7)(C) about the incident the following day and

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apologized to her for his conduct. He stated that he did not recall asking (b)(6); (b)(7)(C) specifically if she was going to report him because of the incident.

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

OIG's Conclusion

Based on (b)(6); (b)(7)(C) admissions and the statements of (b)(6); (b)(7)(C) and other witnesses, the OIG investigation concluded that (b)(6); (b)(7)(C) conduct on (b)(6); (b)(7)(C) amounted to sexual harassment in violation of DOJ and FBI policy and violations of FBI Offense Code 5.21, Unprofessional Conduct – Off Duty, and Section 3.1 of the FBI Ethics and Integrity Policy.

Specifically, the OIG found that (b)(6); (b)(7)(C) made unsolicited sexual advances toward (b)(6); (b)(7)(C) including touching her leg while moving his hand toward her private area, pulling her belt loop, putting his arms around her, and whispering obscene sexual statements in her ear, while at a work-related social gathering on (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) did not have a romantic or sexual relationship prior to the (b)(6); (b)(7)(C) incident, and (b)(6); (b)(7)(C) did not seek (b)(6); (b)(7)(C) permission before touching her in an intimate manner. The OIG determined that, although the social gathering was an off-duty event, it was organized by FBI employees and attended by FBI employees (b)(6); (b)(7)(C). As such, the OIG found that there was a nexus between (b)(6); (b)(7)(C) conduct and his job-related responsibilities, within the meaning of the Memorandum from the Assistant Attorney General for Administration and Designated Agency Ethics Official, "Off-Duty Conduct," dated January 29, 2016. Although (b)(6); (b)(7)(C) stated that she felt that she "handled" the situation that evening and that the incident did not subsequently impact her employment, the OIG found based on the testimony of (b)(6); (b)(7)(C) and other witnesses—including (b)(6); (b)(7)(C) testimony that she pulled away from (b)(6); (b)(7)(C) and then pushed him off of her after he continued his behavior; (b)(6); (b)(7)(C) testimony that (b)(6); (b)(7)(C) said (b)(6); (b)(7)(C) was "all over me, he won't leave me alone"; (b)(6); (b)(7)(C) testimony that she witnessed (b)(6); (b)(7)(C) behavior towards (b)(6); (b)(7)(C) at the second location; and (b)(6); (b)(7)(C) testimony that he asked (b)(6); (b)(7)(C) if she was okay—that (b)(6); (b)(7)(C) behavior was offensive and made his coworkers uncomfortable during the work-related outing. (b)(6); (b)(7)(C) as much as admitted his behavior was inappropriate when, per (b)(6); (b)(7)(C) the next day he told her he was "embarrassed" for what he had done. The OIG further found that (b)(6); (b)(7)(C) conduct was embarrassing for (b)(6); (b)(7)(C) and his other colleagues and risked impeding his relationships with his colleagues, especially (b)(6); (b)(7)(C).

Accordingly, the OIG concluded that (b)(6); (b)(7)(C) behavior created an offensive work environment within the meaning of the DOJ's and FBI's sexual harassment policies. Although (b)(6); (b)(7)(C) did not engage in further sexual behavior towards (b)(6); (b)(7)(C) after the (b)(6); (b)(7)(C) outing, the DOJ sexual harassment policy makes clear that one incident is sufficient to establish sexual harassment. Specifically, the policy states: "The Department will not wait for a pattern of offensive conduct to emerge before addressing claims of harassment. Rather, the Department will act before the harassing conduct is so pervasive and offensive as to constitute a hostile environment...."

The OIG investigation also found that (b)(6); (b)(7)(C) was heavily intoxicated and acted in an erratic manner while at the (b)(6); (b)(7)(C) and in the presence of several co-workers, one of whom was his rating official at the time. Based on these findings as well as the findings above regarding sexual harassment, the OIG concluded that (b)(6); (b)(7)(C) conduct seriously called into question (b)(6); (b)(7)(C) character and judgment; compromised his standing among his FBI employees; dishonored, disgraced, and discredited the FBI; and risked impeding his own professional performance

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and tarnishing the reputation of the FBI, all in violation of FBI Offense Code 5.21, Unprofessional Conduct – Off Duty, and Section 3.1 of the FBI Ethics and Integrity Policy.

(b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)
(b)(6); (b)(7)(C) **Failure to Report his Intimate Relationship with** (b)(6); (b)(7)(C)

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

(b)(6); (b)(7)(C) told the OIG that on the evening (b)(6); (b)(7)(C) she went to dinner with some friends and then proceeded to (b)(6); (b)(7)(C) with (b)(6); (b)(7)(C) to see another FBI colleague (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) told the OIG that the colleague did not want to be named; however, the colleague was identified by (b)(6); (b)(7)(C) as FBI employee (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) stated that she did not know that (b)(6); (b)(7)(C) had been “collaborating” with (b)(6); (b)(7)(C) who was at the time in (b)(6); (b)(7)(C) FBI chain of command, to come to (b)(6); (b)(7)(C) before he arrived with her immediate supervisor, (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) stated that (b)(6); (b)(7)(C) was intoxicated when he arrived and that he immediately approached her and (b)(6); (b)(7)(C) and put his arms around them. (b)(6); (b)(7)(C) stated that she knew that (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) had an “ongoing affair,” but she was “shocked” when he arrived at (b)(6); (b)(7)(C) because she had never socialized with him outside of work. (b)(6); (b)(7)(C)

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

(b)(6); (b)(7)(C) said that (b)(6); (b)(7)(C) told her that (b)(6); (b)(7)(C) refused to leave unless either (b)(6); (b)(7)(C) or (b)(6); (b)(7)(C) would leave at the same time. (b)(6); (b)(7)(C) told the OIG that she then followed (b)(6); (b)(7)(C) who was driving (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) to (b)(6); (b)(7)(C) apartment. (b)(6); (b)(7)(C) stated that she had never been to (b)(6); (b)(7)(C) apartment before.

(b)(6); (b)(7)(C) told the OIG that she went inside (b)(6); (b)(7)(C) apartment after (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) were already inside. (b)(6); (b)(7)(C) stated that at first (b)(6); (b)(7)(C) was not in sight and she and (b)(6); (b)(7)(C) stayed by the door while (b)(6); (b)(7)(C)

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was making drinks. (b)(6); (b)(7)(C)

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

(b)(6); (b)(7)(C) stated that at this point, (b)(6); (b)(7)(C) said he had to go, asked (b)(6); (b)(7)(C) if she was going to be okay, and left after (b)(6); (b)(7)(C) told him she would be fine if she could convince (b)(6); (b)(7)(C) to leave. (b)(6); (b)(7)(C)

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

(b)(6); (b)(7)(C) told the OIG that she and (b)(6); (b)(7)(C) left (b)(6); (b)(7)(C) apartment after (b)(6); (b)(7)(C) husband called (b)(6); (b)(7)(C) phone. (b)(6); (b)(7)(C) said she then slept at (b)(6); (b)(7)(C) house, and she never talked about that night with (b)(6); (b)(7)(C) or (b)(6); (b)(7)(C) again. (b)(6); (b)(7)(C) told the OIG that since (b)(6); (b)(7)(C) she has not spoken much with (b)(6); (b)(7)(C) because she was upset that (b)(6); (b)(7)(C) had shared personal information about her with (b)(6); (b)(7)(C)

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

In two voluntary interviews with the OIG, (b)(6); (b)(7)(C) stated that she, (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) engaged in a series of actions that culminated in a three-participant, consensual sexual encounter at (b)(6); (b)(7)(C) residence on the night of (b)(6); (b)(7)(C) or early morning hours of (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) told the OIG that she, (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) went to dinner together on (b)(6); (b)(7)(C) after which she and (b)(6); (b)(7)(C) proceeded to (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) explained that, earlier in the evening, (b)(6); (b)(7)(C) had driven her to (b)(6); (b)(7)(C) residence where she (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) got into a verbal dispute regarding the status of their romantic relationship. (b)(6); (b)(7)(C) said that, later in the evening while a (b)(6); (b)(7)(C) began to text (b)(6); (b)(7)(C) from (b)(6); (b)(7)(C) cell phone, pretending she was (b)(6); (b)(7)(C) to entice him to join them at the bar. (b)(6); (b)(7)(C) described that while at the bar she and (b)(6); (b)(7)(C) discussed the idea of a threesome involving (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) stated that (b)(6); (b)(7)(C) sent text messages from (b)(6); (b)(7)(C) phone to (b)(6); (b)(7)(C) pretending she was (b)(6); (b)(7)(C) and referencing the possible threesome. According to (b)(6); (b)(7)(C) she and (b)(6); (b)(7)(C) then proceeded to the female restroom at the bar and took at least two sexually explicit photographs. (b)(6); (b)(7)(C) said that (b)(6); (b)(7)(C) then used (b)(6); (b)(7)(C) cell phone to send one of the photographs to (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) added that, after doing so, (b)(6); (b)(7)(C) deleted the texts and photograph she had sent to (b)(6); (b)(7)(C) from (b)(6); (b)(7)(C) phone.

(b)(6); (b)(7)(C) told the OIG that (b)(6); (b)(7)(C) then came to the bar with (b)(6); (b)(7)(C) and that she, (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) engaged in physical contact of a sexual nature. (b)(6); (b)(7)(C)

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

(b)(6); (b)(7)(C) In addition, (b)(6); (b)(7)(C) stated that while at the bar, (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) were discussing whether it was permissible for (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) to be intimate given that (b)(6); (b)(7)(C) was in (b)(6); (b)(7)(C) chain of command. According to (b)(6); (b)(7)(C) commented that she believed it was okay since (b)(6); (b)(7)(C) planning to leave (b)(6); (b)(7)(C) the next month and obtain another position within (b)(6); (b)(7)(C)

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Regarding the events at (b)(6); (b)(7)(C) residence, (b)(6); (b)(7)(C) described that, shortly after arriving, she, (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) all went into (b)(6); (b)(7)(C) bedroom and engaged in consensual sexual activity in which all three participated. (b)(6); (b)(7)(C) stated that the encounter ended when she received a call on her cell phone from her husband. (b)(6); (b)(7)(C) stated that at that point she and (b)(6); (b)(7)(C) departed (b)(6); (b)(7)(C) residence and returned to her residence where (b)(6); (b)(7)(C) spent the night.

(b)(6); (b)(7)(C) told the OIG that, after ending his shift at (b)(6); (b)(7)(C) on (b)(6); (b)(7)(C) he picked up (b)(6); (b)(7)(C) from his residence and proceeded to (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) said that, on the way to the bar, (b)(6); (b)(7)(C) showed him the sexually explicit photograph he received from (b)(6); (b)(7)(C) cell phone number and stated that he was going to have a "threesome" with (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) described (b)(6); (b)(7)(C) as very intoxicated and said that (b)(6); (b)(7)(C) physically touched him (b)(6); (b)(7)(C), and (b)(6); (b)(7)(C) in a friendly manner several times while at the bar. (b)(6); (b)(7)(C)

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

(b)(6); (b)(7)(C) stated that after leaving the (b)(6); (b)(7)(C) he drove (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) to (b)(6); (b)(7)(C) residence, shortly after which (b)(6); (b)(7)(C) arrived. (b)(6); (b)(7)(C)

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

(b)(6); (b)(7)(C) stated that he left the apartment while (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) were still there, and that at the time he departed everyone was laughing and having a good time. (b)(6); (b)(7)(C) added that he asked (b)(6); (b)(7)(C) the following day if he had engaged in a threesome with (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) to which (b)(6); (b)(7)(C) responded that he had but could not remember the details due to intoxication.

(b)(6); (b)(7)(C) told the OIG that he was (b)(6); (b)(7)(C) at (b)(6); (b)(7)(C) on (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) said that he saw and spoke with (b)(6); (b)(7)(C) who was his friend, at the bar. (b)(6); (b)(7)(C) stated that (b)(6); (b)(7)(C) was at the bar with (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) but that when he saw (b)(6); (b)(7)(C) she was not near them. (b)(6); (b)(7)(C)

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

(b)(6); (b)(7)(C) further stated that about a week after (b)(6); (b)(7)(C) told him that she and (b)(6); (b)(7)(C) had gone back to (b)(6); (b)(7)(C) apartment, (b)(6); (b)(7)(C)

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

(b)(6); (b)(7)(C) told the OIG that he was engaged in a sporadic romantic relationship with (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) stated that on the evening of (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) described the photograph was the same as (b)(6); (b)(7)(C) He said that, throughout the evening of (b)(6); (b)(7)(C) sent him several messages to entice him to come to (b)(6); (b)(7)(C) and potentially engage in a sexual encounter with her and (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) described that (b)(6); (b)(7)(C) told him she was drunk and did not have a ride home from the bar, which prompted him to depart his residence and begin traveling to the bar. (b)(6); (b)(7)(C) said that (b)(6); (b)(7)(C) called him shortly after he departed his residence and told him that she had left the bar and was en route to (b)(6); (b)(7)(C) residence with (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) said that he then returned to his residence. (b)(6); (b)(7)(C) told the OIG that the following day, (b)(6); (b)(7)(C) told him both in person and via text message that she engaged in a threesome with (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) the night before.

An OIG review of the text messages sent to (b)(6); (b)(7)(C) from (b)(6); (b)(7)(C) phone on the night of (b)(6); (b)(7)(C) confirmed that a message was sent from (b)(6); (b)(7)(C) cell phone to (b)(6); (b)(7)(C) cell phone attaching the explicit photograph as described by (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) In addition, there were several other messages from (b)(6); (b)(7)(C) referencing a

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threesome and other sexual activity. (b)(6); (b)(7)(C) provided these voluntarily to the OIG in the form of screenshots from her Apple Watch as, according to (b)(6); (b)(7)(C) deleted them from (b)(6); (b)(7)(C) phone after sending them.

An OIG review of text messages exchanged between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) on their personal cell phones revealed additional references to a consensual encounter with (b)(6); (b)(7)(C). In texts sent to (b)(6); (b)(7)(C) on (b)(6); (b)(7)(C) – the day (b)(6); (b)(7)(C) was notified of the allegations against him and placed on administrative leave – (b)(6); (b)(7)(C) stated the following:

"All the things going through my head it legit would've never happened because I would never jeopardize your livelihood or even think about hurting you to this extent.. like I'm sickened.. ugh 😞 I'm sorry I trusted her. Stupid on my part..."

"I should've used better judgment than to trust her to be involved with us..."



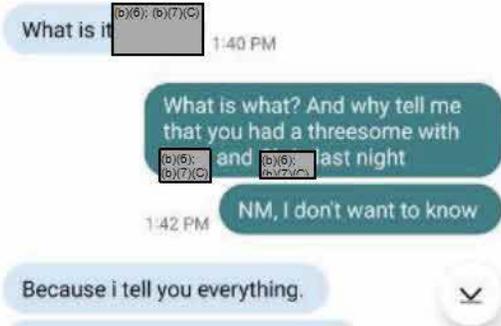
(b)(6); (b)(7)(C) told the OIG that the individual referenced in those messages was (b)(6); (b)(7)(C)

A review of text messages exchanged between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) beginning on (b)(6); (b)(7)(C) corroborated that (b)(6); (b)(7)(C) sent (b)(6); (b)(7)(C) the same explicit photograph of (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) and that (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) she had participated in a sexual encounter with (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C)

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In a series of messages also exchanged on the afternoon of [REDACTED] (shown in the green text bubbles) and [REDACTED] (shown in the white text bubbles) stated the following:



Video footage of events from the [REDACTED] on [REDACTED] was unavailable due to a technical upgrade of the system by the bar owner that took place shortly after the events.

In a compelled interview [REDACTED] stated that he engaged in a consensual sexual encounter with [REDACTED] and [REDACTED] at his residence on the night of [REDACTED] or early morning hours of [REDACTED]. He explained that, after getting in a verbal argument with [REDACTED] at his residence in the early evening, he began drinking and planned to go to [REDACTED] that evening with [REDACTED]. He said he began receiving text messages from [REDACTED] phone enticing him to come to the bar followed by the explicit photograph of [REDACTED] and [REDACTED] his description of which was the same as [REDACTED] and [REDACTED]. He confirmed that [REDACTED] picked him up and took him to the bar, where he recalled "playfully" pulling on [REDACTED] hair and kissing [REDACTED] while talking to both about a potential sexual encounter. [REDACTED] recalled briefly discussing the fact that [REDACTED] fell under his indirect supervision but elected to proceed with the encounter. [REDACTED]

[REDACTED] further described that, following last call at the bar, [REDACTED] took him and [REDACTED] back to his [REDACTED] apartment, shortly after which [REDACTED] arrived. [REDACTED] stated that shortly after [REDACTED] arrival, he and [REDACTED] began to kiss in his kitchen while [REDACTED] was in the bathroom. He said that after [REDACTED] came out of the bathroom, the three of them moved into his bedroom where he had brief sexual intercourse with both [REDACTED] and [REDACTED] before [REDACTED] received a call from her husband, the encounter ended, and both [REDACTED] and [REDACTED] departed his residence. [REDACTED]

[REDACTED]

In a compelled interview on [REDACTED] admitted to taking the explicit photograph with [REDACTED] at [REDACTED] on [REDACTED] and that she sent it to [REDACTED]. [REDACTED] stated that she only sent it to [REDACTED] to entice him to have sex with her that evening. She also admitted to telling [REDACTED] that she had a threesome with [REDACTED] and [REDACTED] but said that it was a lie she told to make [REDACTED] jealous. Specifically, [REDACTED] told the OIG that she texted [REDACTED] that she had a threesome with [REDACTED] and [REDACTED] after [REDACTED] suggested that she do so "to make him want me. Because that was always what he wanted, was to have a threesome." [REDACTED] further stated that she told [REDACTED] that she had a threesome with [REDACTED] and [REDACTED] [REDACTED]

[REDACTED]

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

On (b)(6); (b)(7)(C) voluntarily provided text messages from her personal cell phone confirming that, after initially telling (b)(6); (b)(7)(C) that she engaged in a threesome with (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) she later recanted that statement over text. Specifically, on (b)(6); (b)(7)(C)

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

(b)(6); (b)(7)(C) then sent the following messages (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) (excerpts are taken from the full device extraction report):

<p>(b)(6); (b)(7)(C) (owner)</p>	<p>(b)(6); (b)(7)(C)</p>	<p>Timestamp: 11/16/2022 3:48:07 PM(UTC-5)</p>	<p>Direction: Outgoing Body: (b)(6); (b)(7)(C)</p> <p>Participants:</p> <table border="1"> <thead> <tr> <th>Participant</th> <th>Delivered</th> <th>Read</th> <th>Played</th> </tr> </thead> <tbody> <tr> <td>(b)(6); (b)(7)(C)</td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>Service Identifier: Status: Sent Message Type: SMS Folder: Sent</p>	Participant	Delivered	Read	Played	(b)(6); (b)(7)(C)			
Participant	Delivered	Read	Played								
(b)(6); (b)(7)(C)											

<p>(b)(6); (b)(7)(C) (owner)</p>	<p>(b)(6); (b)(7)(C)</p>	<p>Timestamp: 11/16/2022 6:04:28 PM(UTC-5)</p>	<p>Direction: Outgoing Body: I didnt have a threesome, i just did said it to piss you off. Stupid of me, i know.</p> <p>Participants:</p> <table border="1"> <thead> <tr> <th>Participant</th> <th>Delivered</th> <th>Read</th> <th>Played</th> </tr> </thead> <tbody> <tr> <td>(b)(6); (b)(7)(C)</td> <td></td> <td></td> <td></td> </tr> </tbody> </table> <p>Service Identifier: Status: Sent Message Type: SMS Folder: Sent</p>	Participant	Delivered	Read	Played	(b)(6); (b)(7)(C)			
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(b)(6); (b)(7)(C)											

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(b)(6); (b)(7)(C) (owner)	(b)(6); (b)(7)(C)	Timestamp: 11/16/2022 7:03:15 PM(UTC-5)	Direction: Outgoing Body: And so i said i am sorry. I know thats fucked up of me to tell you that, sometimes i just want you to feel the hurt i feel. Participants: <table border="1"><thead><tr><th>Participant</th><th>Delivered</th><th>Read</th><th>Played</th></tr></thead><tbody><tr><td>(b)(6); (b)(7)(C)</td><td></td><td></td><td></td></tr></tbody></table> Service Identifier: Status: Sent Message Type: SMS Folder: Sent	Participant	Delivered	Read	Played	(b)(6); (b)(7)(C)			
Participant	Delivered	Read	Played								
(b)(6); (b)(7)(C)											

A review of the text messages between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) also revealed that prior to (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) exchanged frequent messages of a romantic and sexual nature, including messages about their sexual encounters. Between (b)(6); (b)(7)(C) there were no such exchanges between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C). However, the messages of a sexual and romantic nature began again after (b)(6); (b)(7)(C) following (b)(6); (b)(7)(C) making her report to FBI management and sending the text messages to (b)(6); (b)(7)(C) set forth above.

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

OIG's Conclusion

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

(b)(6); (b)(7)(C) The preponderance of the evidence obtained indicated that (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) engaged in a consensual sexual encounter that was preceded by consensual touching of both a physical and sexual nature while at (b)(6); (b)(7)(C). Specifically, both (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) testified, (b)(6); (b)(7)(C) that they engaged in a series of consensual actions that led to a consensual three-part sexual encounter among (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C). The text messages between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) as well as the text messages between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) also corroborate that testimony. (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) also both consistently told the OIG that the consensual threesome was planned during the course of the evening, and that at (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) even discussed whether engaging in the sexual encounter would be permissible under FBI policy. The OIG found that (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) accounts were credible because they were statements against interest because they were admissions that (b)(6); (b)(7)(C) engaged in sexual intercourse with (b)(6); (b)(7)(C) who was in his unit and under his chain of command, and thus subjected (b)(6); (b)(7)(C) to potential discipline under FBI policy. It is not credible that (b)(6); (b)(7)(C) would fabricate that he engaged in intimate conduct with not just (b)(6); (b)(7)(C) but also (b)(6); (b)(7)(C) as well, as this would only increase his chances of being disciplined for the inappropriate relationships. Moreover, the intimate details of the three-part sexual encounter were embarrassing and uncomfortable for (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) to share with the OIG, which further undermined the notion that they would fabricate the encounter.

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

(b)(6); (b)(7)(C) Further, (b)(6); (b)(7)(C)

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

(b)(6); (b)(7)(C) told the OIG that when he left (b)(6); (b)(7)(C) apartment, everyone appeared to be having a good time. (b)(6); (b)(7)(C) also stated that (b)(6); (b)(7)(C) confirmed the threesome, which (b)(6); (b)(7)(C) would not have an incentive to fabricate when he told (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) would not have an incentive to fabricate during his OIG interview.

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

(b)(6); (b)(7)(C) the OIG found the text messages and timing of those messages to be particularly compelling. On (b)(6); (b)(7)(C) within hours of leaving (b)(6); (b)(7)(C) residence, (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) that she had engaged in a threesome with (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) the previous night.

(b)(6); (b)(7)(C) told the OIG that this statement to (b)(6); (b)(7)(C) was a lie to make (b)(6); (b)(7)(C) jealous, that she later told (b)(6); (b)(7)(C) that it was a lie, and that she did not engage in any sexual acts—(b)(6); (b)(7)(C)—with (b)(6); (b)(7)(C) or (b)(6); (b)(7)(C) at (b)(6); (b)(7)(C) apartment after (b)(6); (b)(7)(C).

We found that the (b)(6); (b)(7)(C) text messages confirming the threesome were more credible than (b)(6); (b)(7)(C) later (b)(6); (b)(7)(C) text messages to (b)(6); (b)(7)(C) recanting the admission of a threesome because the (b)(6); (b)(7)(C) text messages were sent much closer in time to the events in question and the text messages were consistent with all the other evidence described above.

Moreover, a review of (b)(6); (b)(7)(C) text messages to (b)(6); (b)(7)(C) revealed that (b)(6); (b)(7)(C) had an overall motive to convince (b)(6); (b)(7)(C) to be more interested in a romantic or sexual relationship with her. (b)(6); (b)(7)(C) admittedly told (b)(6); (b)(7)(C) that she had a threesome with (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) for this very purpose. However, that effort backfired when (b)(6); (b)(7)(C) became annoyed and the two then ceased having romantic or sexual exchanges for a period of nearly two weeks. (b)(6); (b)(7)(C) then appeared to succeed in reinitiating her romantic and sexual relationship with (b)(6); (b)(7)(C).

(b)(6); (b)(7)(C) and claimed that her earlier text about a threesome was a lie. Thus, we determined that (b)(6); (b)(7)(C) interest in (b)(6); (b)(7)(C) gave her a motive (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) rather than admit that she had a consensual sexual encounter with (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C)

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

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

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

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

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

[Redacted]

The OIG investigation also substantiated that, at the time of the sexual encounter on (b)(6); (b)(7)(C) held the position (b)(6); (b)(7)(C) and fell under (b)(6); (b)(7)(C) indirect supervision (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) The OIG investigation further concluded that (b)(6); (b)(7)(C) did not timely report this sexual encounter to management as required by the FBI Personal Relationships Policy, 0802D, Section 6.1.2.2, which requires FBI employees to “report 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, so that management may determine whether remedial action, such as reassignment, is necessary to prevent interference with the FBI’s mission.” (b)(6); (b)(7)(C) was in the same squad as (b)(6); (b)(7)(C) and was in her chain of command, such that a supervisory relationship existed between them. In addition, the OIG found that (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) engaged in sexual contact, which made their relationship “intimate” within the meaning of the policy. Specifically, the policy defines an intimate relationship as one that “involves sexual contact.” The evidence showed that (b)(6); (b)(7)(C) was aware of the Personal Relationships Policy, as evidenced by his admitted conversation with (b)(6); (b)(7)(C) before they engaged in sexual contact about whether such contact was permissible under the policy. As such, (b)(6); (b)(7)(C) should have reported the intimate relationship promptly after the sexual encounter on (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) However, two weeks passed before (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) had not reported the encounter by that time. Accordingly, the OIG found that (b)(6); (b)(7)(C) failed to timely report an intimate relationship with a subordinate in violation of section 6.1.2.2 of the FBI Personal Relationships Policy.

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