

**LIMITED-OFFICIAL-USE**

DEPARTMENT OF JUSTICE | OFFICE OF THE INSPECTOR GENERAL

REPORT OF INVESTIGATION

SUBJECT		CASE NUMBER	
(b)(6); (b)(7)(C) Special Agent in Charge (Retired) (b)(6); (b)(7)(C)		2018-005780	
OFFICE CONDUCTING INVESTIGATION		DOJ COMPONENT	
Houston Area Office		Federal Bureau of Investigation	
DISTRIBUTION		STATUS	
<input checked="" type="checkbox"/> Field Office DFO/HAO		<input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED	
<input checked="" type="checkbox"/> AIGINV		PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<input checked="" type="checkbox"/> Component FBI		Date of Previous Report:	
<input type="checkbox"/> USA			
<input type="checkbox"/> Other			

SYNOPSIS

The Department of Justice (DOJ) Office of the Inspector General (OIG) initiated this investigation upon the receipt of information from the Federal Bureau of Investigation (FBI) alleging that in (b)(6); (b)(7)(C) FBI Special Agent in Charge (SAC) (b)(6); (b)(7)(C)

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

abused his authority when, during meetings with the agents and other FBI personnel, he threatened one of the FBI case agents (b)(6); (b)(7)(C)

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

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

DATE	August 11, 2023	SIGNATURE	<i>Cloey Chaney Pierce</i>	Digitally signed by CLOEY PIERCE DN: c=US, o=U.S. Government, ou=Dept of Justice, ou=OIG, cn=CLOEY PIERCE, 0.9.2342.19200300.100.1.1=15001002964462 Date: 2023.08.11 14:20:58 -05'00'
	Cloey C. Pierce			
PREPARED BY SPECIAL AGENT IN CHARGE		SIGNATURE	<i>Sandra D. Barnes</i>	Digitally signed by SANDRA BARNES Date: 2023.08.11 15:39:08 -04'00'
DATE	August 11, 2023			
	Sandra D. Barnes			
APPROVED BY DAIG INV				

OIG Form III-210/1 (04/15/2022)

Portions of the Report of Investigation may not be exempt under the Freedom of Information Act (5 U.S.C. § 552) and the Privacy Act (5 U.S.C. § 552a).

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

The OIG investigation substantiated that (b)(6); (b)(7)(C) violated FBI policy when he made threats of physical harm against a case agent (b)(6); (b)(7)(C)

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

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

and (b)(6); (b)(7)(C) told the OIG that

(b)(6); (b)(7)(C) got upset during the (b)(6); (b)(7)(C) investigation because the case agents failed to notify FBI management of their plan to conduct a "knock and talk" interview (b)(6); (b)(7)(C)

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

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

admitted that he was livid when the case agents concealed the “knock and talk” interview (b)(6); (b)(7)(C) because it was the first use of an overt investigative technique. (b)(6); (b)(7)(C) believed that any such technique (b)(6); (b)(7)(C) should have been coordinated and approved by him. Additionally, (b)(6); (b)(7)(C) explained that he should have been informed of the “knock and talk” interview, if for no other reason than to protect his office and the case agents, (b)(6); (b)(7)(C)

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

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

admitted to the OIG that on (b)(6); (b)(7)(C) after he learned of the “knock and talk” interview, he had a meeting with (b)(6); (b)(7)(C) and told her that if she ever did that again, he would “cut her head off.” (b)(6); (b)(7)(C)

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

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

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

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

retired from the FBI on (b)(6); (b)(7)(C)

The U.S. Attorney's Office for the (b)(6); (b)(7)(C) declined criminal prosecution.

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

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

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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) alleging that in (b)(6); (b)(7)(C) FBI Special Agent in Charge (SAC) (b)(6); (b)(7)(C)

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

abused his authority when, during meetings with the agents and other FBI personnel, he threatened one of the FBI case agents (b)(6); (b)(7)(C)

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

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

### Investigative Process

This OIG's investigative efforts consisted of the following:

Interviews of the following FBI personnel:

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

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

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Interviews of the following (b)(6); (b)(7)(C)

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

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- 
- 
- 

Review of the following:

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

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



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Immediately after the “knock and talk” interview, and before [REDACTED] had been fully briefed on the current status of the investigation, [REDACTED] notified [REDACTED] of the “knock and talk” interview [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] recalled to the OIG that [REDACTED] told her that [REDACTED] was livid because he was not informed beforehand that the “knock and talk” interview would be conducted. [REDACTED]

[REDACTED]

[REDACTED]

On [REDACTED] two days after the “knock and talk” interview, the case agents were separately summoned to [REDACTED] office for meetings with him and [REDACTED]. During [REDACTED] meeting with [REDACTED] she said she kept her mouth shut [REDACTED] because she did not want to be punished with a bad assignment. During the meeting she was reprimanded even though at that time it was unclear what she had done wrong.

[REDACTED] believed that [REDACTED] was not informed of the full scope of the investigation, but knew he was aware of the investigation. [REDACTED]

[REDACTED]

[REDACTED]

The case agents told the OIG that [REDACTED] was most likely not aware of the details of the case and did not have an opportunity to weigh in on the merits or repercussions of the “knock and talk” interview. [REDACTED]

[REDACTED]

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

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

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

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

was not surprised by (b)(6); (b)(7)(C) reaction and anger

when (b)(6); (b)(7)(C) found out about the "knock and talk" interview after it occurred.

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

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

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

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

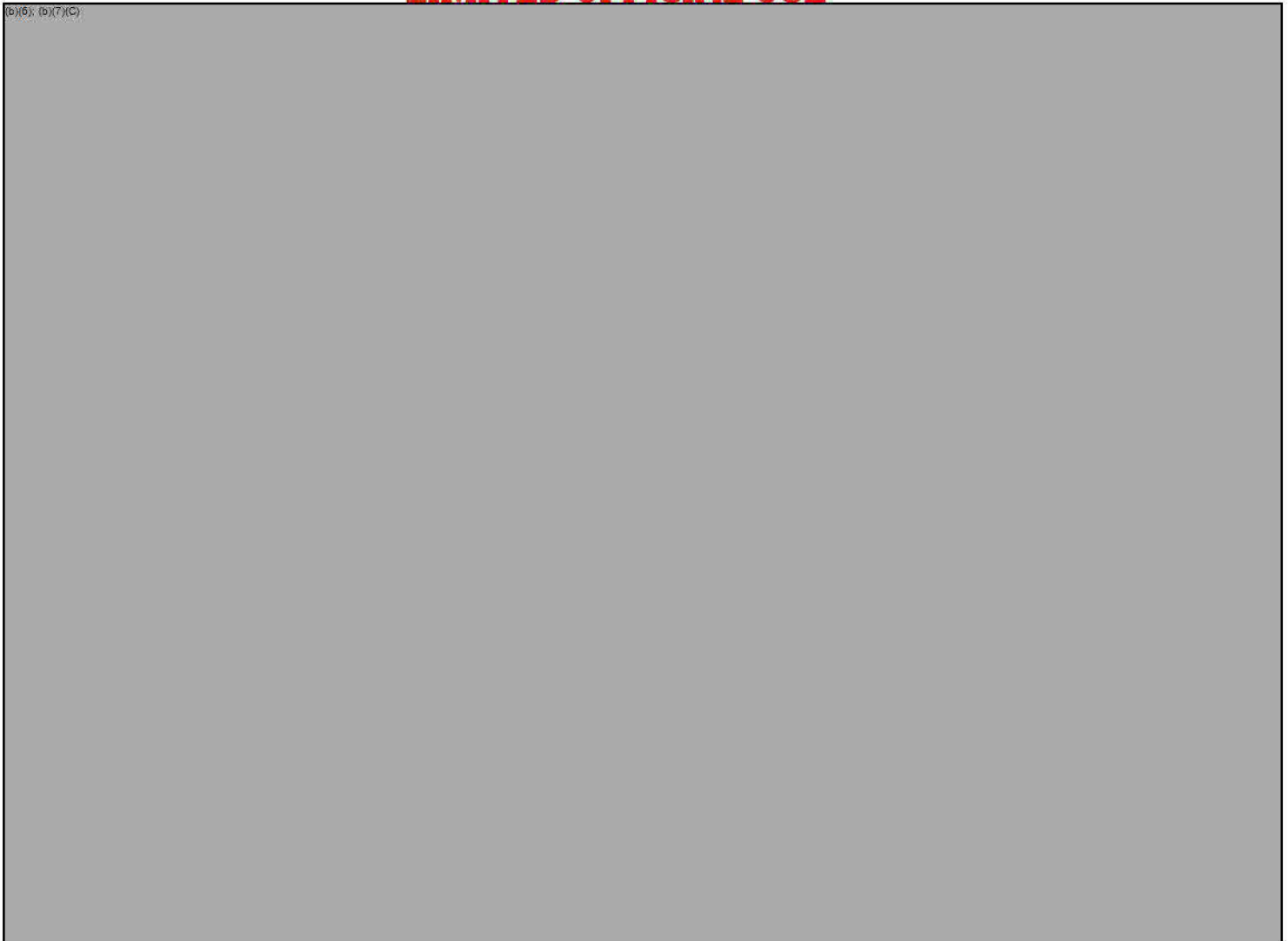
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(b)(6); (b)(7)(C)



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

## Inappropriate Comments

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

### Threatening Comment To

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

The FBI provided information to the OIG alleging that during a (b)(6); (b)(7)(C) meeting, (b)(6); (b)(7)(C) threatened (b)(6); (b)(7)(C) with physical harm when he told her, "if you ever do anything like this again, I will cut your head off." It was also alleged (b)(6); (b)(7)(C) attempted to intimidate her by referring her to the FBI Office of Professional Responsibility (OPR).

FBI Standards of Conduct, Offense Code 5.2 (Dereliction of Supervisory Responsibility) states:

A supervisor, or an employee acting in an authorized supervisory capacity, failing to exercise reasonable care in the execution of duties or responsibilities, disregarding his duties or responsibilities, or significantly deviating from appropriate methods of supervision.

FBI Standards of Conduct, Offense code 5.4 (Disruptive Behavior) states:

Engaging in inappropriate verbal or physical conduct, while on official business or in an FBI space or vehicle, which is disruptive or negatively impacts the workplace.

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(b)(6); (b)(7)(C) told the OIG that two days after the (b)(6); (b)(7)(C) "knock and talk" interview, she was summoned to (b)(6); (b)(7)(C) office for a meeting with (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C). When (b)(6); (b)(7)(C) arrived, she said she knew she was in trouble but did not know the reason. During the meeting, (b)(6); (b)(7)(C) kept her mouth shut, as instructed by (b)(6); (b)(7)(C) because she did not want to be punished with a bad assignment. According to (b)(6); (b)(7)(C) pointed his finger and threatened (b)(6); (b)(7)(C) by saying, "if you ever do anything like this again, I will cut your head off." (b)(6); (b)(7)(C) also told (b)(6); (b)(7)(C) that he spoke to the FBI's Office of Professional Responsibility (OPR) who informed him that she could be charged with insubordination, conduct unbecoming, being unfit to be a SA with the FBI and could be fired. (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)  
(b)(6); (b)(7)(C)  
(b)(6); (b)(7)(C) According to (b)(6); (b)(7)(C) later told her that (b)(6); (b)(7)(C) was mad because she had not informed FBI management of the "knock and talk" interview. (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) that she informed her immediate supervisor, (b)(6); (b)(7)(C) of the planned "knock and talk" interview. (b)(6); (b)(7)(C) told the OIG that she never confronted (b)(6); (b)(7)(C) about (b)(6); (b)(7)(C) saying that she was unaware of the "knock and talk" interview.

(b)(6); (b)(7)(C) believed the threats made to her by (b)(6); (b)(7)(C) at the meeting were inappropriate. (b)(6); (b)(7)(C) believed that when (b)(6); (b)(7)(C) threatened to cut her head off and charge her with insubordination and conduct unbecoming, it was to intimidate and instill fear in her.

(b)(6); (b)(7)(C) told the OIG that (b)(6); (b)(7)(C) told him that (b)(6); (b)(7)(C) instructed her not to serve additional subpoenas on the case and threatened her career by telling her that he would "have her head on a platter" or something like that. (b)(6); (b)(7)(C) told the OIG that he reported his conversation with (b)(6); (b)(7)(C) to his (b)(6); (b)(7)(C) management but was unaware if any of the (b)(6); (b)(7)(C) prosecutors talked to the FBI.

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

(b)(6); (b)(7)(C) told the OIG that after he learned that (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) he contacted the case agents, who told him that (b)(6); (b)(7)(C) had threatened (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) told the OIG that the case agents never explained the reason for (b)(6); (b)(7)(C) reaction.

(b)(6); (b)(7)(C) stated that he was present during (b)(6); (b)(7)(C) meeting with (b)(6); (b)(7)(C) and then (b)(6); (b)(7)(C) stated that (b)(6); (b)(7)(C) warned (b)(6); (b)(7)(C) about the possibility of referring her to OPR but denied that (b)(6); (b)(7)(C) was threatening (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) told the OIG that (b)(6); (b)(7)(C) may have used an expression indicating he would cut off (b)(6); (b)(7)(C) head. (b)(6); (b)(7)(C) said that the case agents never got over (b)(6); (b)(7)(C) admonishments and (b)(6); (b)(7)(C) had to be removed from (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) told the OIG that on (b)(6); (b)(7)(C), he met separately with (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) to voice his frustration by informing each case agent that they had not followed procedures and could be looking at disciplinary action.

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(b)(6); (b)(7)(C) stated that he reprimanded (b)(6); (b)(7)(C) because FBI management was not aware that the case agents had conducted an overt investigative step in the (b)(6); (b)(7)(C) case. Prior to the separate meetings with (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) he consulted with OPR (b)(6); (b)(7)(C) to determine if the two agents had violated any policies. (b)(6); (b)(7)(C) told him that (b)(6); (b)(7)(C) could be guilty of insubordination, dereliction of duty, and being unfit to be a special agent. (b)(6); (b)(7)(C) explained to (b)(6); (b)(7)(C) that he could not protect her, (b)(6); (b)(7)(C) and the FBI, if he was not aware of what was going on because (b)(6); (b)(7)(C) could cause problems for everybody.

(b)(6); (b)(7)(C) told the OIG that when he consulted with (b)(6); (b)(7)(C) she told him to admonish (b)(6); (b)(7)(C) first and then if it happened again, he could refer it to OPR. (b)(6); (b)(7)(C) stated he admonished (b)(6); (b)(7)(C) and explained the policies they potentially violated, but that they were good agents who were willing to work big cases and not every agent was willing to do this.

(b)(6); (b)(7)(C) admitted to the OIG that he told (b)(6); (b)(7)(C) that, "if it happens again, I'm going to cut your head off," and stated it was a poor choice of words. (b)(6); (b)(7)(C) said (b)(6); (b)(7)(C) did not say anything in her own defense and never told him that she informed (b)(6); (b)(7)(C) about the operation. (b)(6); (b)(7)(C) said he never yelled, screamed, or cursed at (b)(6); (b)(7)(C).

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

**OIG Conclusion**

The OIG investigation concluded that (b)(6); (b)(7)(C) violated FBI Standards of Conduct, Offense Code 5.2 (Dereliction of Supervisory Responsibility) and Offense Code 5.4 (Disruptive Behavior) when he threatened (b)(6); (b)(7)(C) by stating that if the situation happened again, he would "cut her head off." Even though all parties involved in the meeting stated they did not believe that (b)(6); (b)(7)(C) was going to act on this threat, it was said to cause alarm and instill fear in (b)(6); (b)(7)(C) in violation of FBI policy.

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





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

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



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(b)(6), (b)(7)(C)



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

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(b)(6), (b)(7)(C)

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**LIMITED-OFFICIAL-USE**

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

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

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