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DEPARTMENT OF JUSTICE | OFFICE OF THE INSPECTOR GENERAL

REPORT OF INVESTIGATION

SUBJECT		CASE NUMBER
Joseph K. Ruddy (***-**- (b)(6); (b)(7)(C)) Assistant United States Attorney Middle District of Florida Tampa, Florida		2023-009978
OFFICE CONDUCTING INVESTIGATION	DOJ COMPONENT	
Southeast Region	Executive Office for United States Attorneys	
DISTRIBUTION	STATUS	
<input checked="" type="checkbox"/> Region SER	<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 EOUSA	Date of Previous Report:	
<input type="checkbox"/> USA		
<input checked="" type="checkbox"/> Other PRMU		

SYNOPSIS

The Department of Justice (DOJ), Office of the Inspector General (OIG) initiated this investigation upon receipt of information from the Executive Office for United States Attorneys (EOUSA) alleging that on July 4, 2023, Assistant United States Attorney (AUSA) Joseph Ruddy, Middle District of Florida (MDFL), who, at the time, was a supervisory criminal AUSA, misused his official position, drove his vehicle under the influence of alcohol, and was involved in a hit-and-run crash that resulted in property damage.

During the course of the investigation, the OIG found indications that Ruddy may have also engaged in conduct prejudicial to the government when he drove his vehicle under the influence of alcohol.

The OIG investigation substantiated the allegations that on July 4, 2023, Ruddy misused his official position when he presented his DOJ issued credentials and DOJ issued business card to local police officers during their investigations and that Ruddy engaged in conduct prejudicial to the government when drove his personally owned vehicle under the influence of alcohol and was involved in a hit-and-run crash.

DATE		SIGNATURE	(b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)			
PREPARED BY SPECIAL AGENT			
DATE		SIGNATURE	Digitally signed by ERIC FEHLMAN Date: 2024.08.06 11:13:52 -04'00'
Eric Fehlman			
APPROVED BY SPECIAL AGENT IN CHARGE			

OIG Form III-210/1 (10/31/2023)

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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On July 4, 2023, Temple Terrace Police Department (TTPD) officers were dispatched to attempt to locate a black Honda Ridgeline that had been involved in a hit-and-run crash in nearby Tampa, Florida. Upon arrival at the location where the vehicle was reported to be, TTPD Officer (b)(6); (b)(7)(C) encountered AUSA Joseph Ruddy standing outside his vehicle, a black Honda Ridgeline. (b)(6); (b)(7)(C) contacted a backup officer, TTPD Officer (b)(6); (b)(7)(C) to assist him. Upon contact with Ruddy, (b)(6); (b)(7)(C) assessed that Ruddy exhibited slow speech, was unable to stand unassisted, and had bloodshot and watery eyes. (b)(6); (b)(7)(C) could smell the odor of alcohol on Ruddy's breath. While (b)(6); (b)(7)(C) was waiting for (b)(6); (b)(7)(C) to arrive, he spoke briefly with Ruddy. During their conversation, and without being solicited, Ruddy handed (b)(6); (b)(7)(C) his DOJ issued credentials, identifying himself as an AUSA. (b)(6); (b)(7)(C) further reported that Ruddy initially submitted to standard field sobriety tests; however, both Ruddy and (b)(6); (b)(7)(C) agreed that Ruddy's intoxicated condition prevented him from safely finishing the tests. Ruddy was then arrested for Driving Under the Influence (DUI) by TTPD officers.

(b)(6); (b)(7)(C) also notified the Tampa Police Department (TPD) that he had located Ruddy and his vehicle. TPD Officer (b)(6); (b)(7)(C) responded to (b)(6); (b)(7)(C) notification to further his investigation into the earlier hit-and-run crash. When (b)(6); (b)(7)(C) arrived at (b)(6); (b)(7)(C) and Ruddy's location, he walked up to Ruddy who, without being solicited, presented his DOJ business card and identified himself as an AUSA to (b)(6); (b)(7)(C).

Ruddy was charged with Driving Under the Influence with Property Damage/Personal Injury (misdemeanor), in violation of Florida Statute 316.193(3)(C)1. On December 20, 2023, Ruddy pleaded no contest to a lesser charge of reckless driving in the Thirteenth Judicial Circuit Court in Hillsborough County, Florida. Ruddy was sentenced to twelve months of probation and 75 hours of community service. Ruddy was required to have an interlock device installed on his vehicle for six months and was fined \$435.00. The court withheld adjudication pending Ruddy's completion of probation, at which time he could be eligible to have his record sealed without adjudication.

During his compelled interviews with the OIG, Ruddy recalled that on July 4, 2023, he voluntarily began drinking beer at his home in the early afternoon hours, and at some point thereafter felt the need to "get out" of his residence and go for a drive. Ruddy stated that he drank so much that he blacked out, and asserted having no recollection of striking another vehicle. Ruddy said that he remembered TTPD officers attempting to administer field sobriety tests on him but that he was too impaired to complete those tests. Ruddy said he did not remember providing his DOJ issued credentials and business card to the responding officers, but he did not deny doing so. After viewing the TTPD and TPD body worn camera (BWC) footage, Ruddy admitted that his actions were indicative of someone who had misused their position. Ruddy also admitted to violating Florida criminal statutes related to driving under the influence and reckless driving. Ruddy admitted that his criminal behavior established conduct that was prejudicial to the government.

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

The OIG has completed its investigation and is providing this report to EOUSA and the Department's Professional Misconduct Review Unit for appropriate action.

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 receipt of information from the Executive Office for United States Attorneys (EOUSA) alleging that on July 4, 2023, AUSA Joseph Ruddy, Middle District of Florida (MDFL), who, at the time, was a supervisory criminal AUSA, misused his official position, drove his vehicle under the influence of alcohol, and was involved in a hit-and-run crash that resulted in property damage.

During the course of the investigation, the OIG found indications that Ruddy may have also engaged in conduct prejudicial to the government when he drove his vehicle under the influence of alcohol.

Investigative Process

The OIG's investigative efforts consisted of the following:

Interview of the following USAO Personnel:

- Joseph Ruddy, AUSA

Interviews of the following citizens:

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

Interview of the following personnel:

- (b)(6); (b)(7)(C) Officer, Temple Terrace Police Department
- (b)(6); (b)(7)(C) Officer, Tampa Police Department

Review of the following:

- TTPD arrest report
- TPD crash report
- TTPD BWC footage
- TPD BWC footage
- Text messages from Ruddy
- Ruddy's arrest and plea agreement

Background

On July 4, 2023, Temple Terrace Police Department (TTPD) officers were dispatched to attempt to locate a black Honda Ridgeline that had been involved in a hit-and-run crash in nearby Tampa, Florida. Upon arrival at the location where the vehicle was reported to be, TTPD Officer (b)(6); (b)(7)(C) encountered AUSA Joseph Ruddy standing outside his vehicle, a black Honda Ridgeline. At the time of the incident, Ruddy was a supervisory criminal AUSA in the USAO-MDFL. (b)(6); (b)(7)(C) contacted a backup officer, TTPD Officer (b)(6); (b)(7)(C) to assist him. Upon contact with Ruddy, (b)(6); (b)(7)(C) assessed that Ruddy exhibited slow speech, was unable to stand unassisted, and had bloodshot and watery eyes. (b)(6); (b)(7)(C) could smell the odor of alcohol on Ruddy's breath. While (b)(6); (b)(7)(C) was waiting for (b)(6); (b)(7)(C)

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to arrive, he spoke briefly with Ruddy. During their conversation, and without being solicited, Ruddy handed (b)(6); (b)(7)(C) his DOJ issued credentials, identifying himself as an AUSA. (b)(6); (b)(7)(C) further reported that Ruddy initially submitted to standard field sobriety tests; however, both Ruddy and (b)(6); (b)(7)(C) agreed that Ruddy's intoxicated condition prevented him from safely finishing the tests. Ruddy was then arrested for Driving Under the Influence (DUI) by TTPD officers.

(b)(6); (b)(7)(C) also notified the Tampa Police Department (TPD) that he had located Ruddy and his vehicle. TPD Officer (b)(6); (b)(7)(C) responded to (b)(6); (b)(7)(C) notification to further his investigation into the earlier hit-and-run crash. When (b)(6); (b)(7)(C) arrived at (b)(6); (b)(7)(C) and Ruddy's location, he walked up to Ruddy who, without being solicited, presented his DOJ business card and identified himself as an AUSA to (b)(6); (b)(7)(C).

Ruddy was charged with Driving Under the Influence with Property Damage/Personal Injury (misdemeanor), in violation of Florida Statute 316.193(3)(C)1. On December 20, 2023, Ruddy pleaded no contest to a lesser charge of reckless driving in the Thirteenth Judicial Circuit Court in Hillsborough County, Florida. Ruddy was sentenced to twelve months of probation and 75 hours of community service. Ruddy was required to have an interlock device installed on his vehicle for six months and was fined \$435.00. The court withheld adjudication pending Ruddy's completion of probation, at which time he could be eligible to have his record sealed without adjudication.

Ruddy Misused his Department of Justice Position

The information provided to the OIG alleged that on July 4, 2023, Ruddy misused his position when he, unsolicited, provided his DOJ issued credentials and business card to TTPD and TPD officers.

5 C.F.R. § 2635.702(a), *Use of public office for private gain*, states in part:

An employee shall not use or permit the use of his Government position or title or any authority associated with his public office in a manner that is intended to coerce or induce another person...to provide any benefit, financial, or otherwise, to himself or to friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity.

The OIG reviewed the body worn camera (BWC) footage from Officers (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C). In that footage, Ruddy appeared to be under the influence of alcohol at the time of his interactions with the officers. During his initial interaction with TTPD Officer (b)(6); (b)(7)(C) and without being asked to do so, Ruddy presented (b)(6); (b)(7)(C) with his DOJ issued credentials. While (b)(6); (b)(7)(C) was speaking with Ruddy, TPD Officer (b)(6); (b)(7)(C) arrived and walked over to speak with Ruddy regarding the earlier motor vehicle accident he was investigating. (b)(6); (b)(7)(C) BWC footage showed that Ruddy, unsolicited, immediately presented (b)(6); (b)(7)(C) with his DOJ issued business card.

During his OIG interview, (b)(6); (b)(7)(C) asserted his belief that Ruddy attempted to use his position as an AUSA to influence (b)(6); (b)(7)(C) decisions during his interaction with Ruddy and in his investigation. (b)(6); (b)(7)(C) recalled telling Ruddy that his conduct was not going to look good when (b)(6); (b)(7)(C) BWC footage was pulled and later reviewed.

During her OIG interview, (b)(6); (b)(7)(C) told the OIG that she thought that Ruddy was too impaired to know what he was doing and asserted that she did not feel like Ruddy was attempting to misuse his position during her contact with him.

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(b)(6); (b)(7)(C) declined to be interviewed by the OIG regarding his knowledge of this matter. The OIG has the authority to compel testimony from current Department employees upon informing them that their statements will not be used to incriminate them in a criminal proceeding. The OIG does not have the authority to compel or subpoena testimony from former or non-Department employees.

During his compelled interviews with the OIG, Ruddy said he recalled that on July 4, 2023, he voluntarily began drinking beer in his residence during the early afternoon hours, and at some point thereafter felt the need to “get out” and go for a drive. Ruddy stated that he drank so much that he blacked out, and asserted having no recollection of striking another vehicle. Ruddy said that he remembered TTPD officers attempting to administer field sobriety tests on him but that he was too impaired to complete those tests. Ruddy said he did not remember providing his DOJ issued credentials and business card to the responding officers, but he did not deny doing so. After viewing the TTPD and TPD BWC footage, Ruddy admitted that he should not have done so.

OIG's Conclusion

The OIG investigation concluded that Ruddy engaged in the misconduct as alleged and violated 5 C.F.R. § 2635.702(a) when he attempted to use his DOJ position as an AUSA to influence the actions of the investigating TTPD and TPD officers by producing his DOJ issued credentials and business card without being solicited to do so. The OIG based this conclusion on its review of TTPD and TPD BWC footage, the police reports of the responding officers, the OIG interviews of the responding officers who interacted with Ruddy during his arrest, and Ruddy's admission to the OIG that his actions as reflected in the BWC footage were indicative of someone who had misused their position. While Officer (b)(6); (b)(7)(C) stated that she believed Ruddy was too impaired to know he was misusing his position, we noted that she appeared to have been the officer who had the least direct contact with Ruddy, and appeared to be the only officer in the BWC footage to whom Ruddy did not provide his credentials or business card. Considering all of the above, the OIG determined that Ruddy attempted to use his official position as a DOJ employee to influence the decisions of the TTPD and TPD officers and their investigations.

Ruddy Engaged in Conduct Prejudicial to the Government

During the course of the investigation, the OIG found indications of conduct prejudicial to the government by AUSA Joseph Ruddy when on July 4, 2023, in Tampa, Florida, Ruddy drove his personally owned vehicle under the influence of alcohol and was involved in a hit-and-run crash. At the time of the incident, Ruddy was a supervisory criminal AUSA in the USAO-MDFL.

Florida Statute 316.193, states, in part:

A person is guilty of the offence of driving under the influence and is subject to punishment as provided in subsection (2) if the person is driving or in actual physical control of a vehicle within this state...Any person: Who, by reason of such operation, causes or contributes to causing: Damage to the property or person of another commits a misdemeanor of the first degree...

Florida Statute 316.192(1)a, states, in part:

Any person who drives any vehicle in willful and wanton disregard for the safety of persons or property is guilty of reckless driving.

5 C.F.R. § 735.203, Conduct Prejudicial to the Government, states:

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Office of the Inspector General

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an employee shall not engage in criminal, infamous, dishonest, immoral, or disgraceful conduct, or other conduct prejudicial to the government.

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 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," and "[t]his most often applies where the employee engages in the very type of behavior which the agency and/or the employee is charged with preventing or addressing."¹

The OIG reviewed the traffic crash report completed by TPD Officer (b)(6); (b)(7)(C). That report identified Ruddy's vehicle as the one that sideswiped another vehicle as it was stationary at a red light. The crash report further explained that Ruddy's vehicle left the scene of the accident and was followed by a witness as Ruddy drove home.

During an OIG interview, one witness told the OIG they saw Ruddy's vehicle, a black Honda Ridgeline, sideswipe another vehicle and leave the scene of the accident. A separate witness recounted to the OIG that while at a red light, a dark colored pickup truck sideswiped his vehicle and then drove off.

The OIG reviewed the arrest report written by TTPD Officer (b)(6); (b)(7)(C). That report documented Ruddy's arrest for driving under the influence of alcohol. (b)(6); (b)(7)(C) report explained that he was dispatched to the area of Raintree Drive in Temple Terrace, Florida, in an attempt to locate a vehicle involved in a hit-and-run crash. Upon his arrival, (b)(6); (b)(7)(C) reported finding Ruddy standing at the rear of his black Honda Ridgeline, which matched the description of the vehicle (b)(6); (b)(7)(C) was attempting to locate. After making contact with Ruddy, (b)(6); (b)(7)(C) recalled that Ruddy exhibited slow speech, was unable to stand unassisted, had bloodshot and watery eyes, and (b)(6); (b)(7)(C) smelled the odor of alcohol emanating from Ruddy's breath. (b)(6); (b)(7)(C) reported that Ruddy initially submitted to standard field sobriety tests (SFSTs); however, both Ruddy and (b)(6); (b)(7)(C) agreed that Ruddy's intoxicated condition prevented him from safely finishing the tests. Ruddy was arrested for DUI by (b)(6); (b)(7)(C) and later submitted breath samples during an intoxilyzer test. Ruddy's breath alcohol level was 0.172 grams of alcohol per 210 liters of breath. The legal limit in Florida is 0.080 grams of alcohol per 210 liters of breath. Thus, Ruddy's breath alcohol level was over twice the Florida legal limit.

The OIG also reviewed a text message string sent by Ruddy, on his government cellular phone, on July 5, 2023, to (b)(6); (b)(7)(C). In that string of messages, (b)(6); (b)(7)(C) asked Ruddy if he was alright. Ruddy responded, "I am. Just go (sic) home. Never again. (b)(6); (b)(7)(C)"

¹ See *Stevenson v. DOJ*, 2005 WL 135308 (M.S.P.B. Apr. 20, 2005), *aff'd Stevenson v. DOJ*, 189 F.App'x 973 (Fed. Cir. 2006) (BOP employee convicted of off-duty DUI subject to discipline, as law enforcement officers are held to a higher standard and the employee's misconduct "was in clear conflict with the agency's mission."); *Bonieskie v. DOJ*, 2010 WL 956916 (M.S.P.B. Jan. 5, 2010) (Deputy U.S. Marshal could be demoted for off-duty drunk driving and use of his official credentials to identify himself to law enforcement officers that stopped him; DUSM's actions "unfavorably impacted the agency's mission" and there was "a sufficient connection between the charges and the essential functions of his Deputy U.S. Marshal duties.").

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The OIG interviewed TTPD Officer (b)(6); (b)(7)(C) who reported that Ruddy was too impaired to complete SFSTs or realize what he was doing. (b)(6); (b)(7)(C) asserted that Ruddy was so impaired that she did not believe he had the capacity to know what exactly was going on.

During his OIG interview, TPD Officer (b)(6); (b)(7)(C) told the OIG that he was only investigating the hit-and-run crash that involved Ruddy's vehicle. (b)(6); (b)(7)(C) reported the driver of the other vehicle did not want to file criminal charges against Ruddy, so he only completed an accident report. (b)(6); (b)(7)(C) explained that as part of his investigation, he responded to the area of Raintree Drive in Temple Terrace, Florida, where the TTPD officers had located Ruddy. (b)(6); (b)(7)(C) recalled seeing Ruddy standing at the rear of his vehicle and assessed that Ruddy's vehicle had damage consistent with a traffic crash. (b)(6); (b)(7)(C) further reported that officers found a part of the other vehicle stuck in the wheel well of Ruddy's vehicle.

During his compelled OIG interviews, Ruddy told the OIG that on July 4, 2023, he began voluntarily drinking beer in his residence during the early afternoon hours, and at some point feeling that he needed to "get out" to go for a drive. Ruddy stated that he drank so much that he blacked out and asserted having no recollection of striking another vehicle. Ruddy said he remembered TTPD officers attempting to administer field sobriety tests on him. He further recalled being too impaired to complete the sobriety tests provided by the officers. Ruddy admitted that his actions violated Florida criminal law and 5 C.F.R. § 735.203.

On July 4, 2023, TTPD charged and arrested Ruddy under Florida statute, 316.193(3)(C)1, Driving Under the Influence with Property Damage/Personal Injury (misdemeanor). On December 20, 2023, Ruddy pleaded no contest to a lesser charge of reckless driving in the Thirteenth Judicial Circuit Court in Hillsborough County, Florida. Ruddy was sentenced to twelve months of probation and 75 hours of community service. Ruddy was required to have an interlock device installed on his vehicle for six months and was fined \$435.00. The court withheld adjudication pending Ruddy's completion of probation, at which time he could be eligible to have his record sealed without adjudication.

OIG's Conclusion

The OIG investigation concluded that Ruddy engaged in conduct prejudicial to the government in violation of 5 C.F.R. § 735.203, when he drove his personally owned vehicle while under the influence of alcohol (at over twice the legal limit), hit another vehicle, and then drove away before law enforcement arrived at the scene of the crash. The OIG based this conclusion on a review of the TTPD and TPD BWC footage, interviews of witnesses and the responding officers whom the OIG found to be credible, along with Ruddy's own admissions during his compelled OIG interviews. The OIG also based this conclusion on Ruddy's position as a supervisory criminal AUSA in the USAO-MDFL. The OIG concluded that for a supervisory federal prosecutor to violate the criminal law and create a significant risk of harm to himself and others was contrary to the mission of the DOJ and prejudicial to the government. While Ruddy told the OIG that he did not remember driving recklessly, after being presented with the BWC footage and officer statements, Ruddy acknowledged that his conduct violated Florida criminal law.

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