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DEPARTMENT OF JUSTICE | OFFICE OF THE INSPECTOR GENERAL

REPORT OF INVESTIGATION

SUBJECT (b)(6); (b)(7)(C) (***-**-****) (b)(6); (b)(7)(C) Assistant United States Attorney (b)(6); (b)(7)(C)		CASE NUMBER 2022-007193
OFFICE CONDUCTING INVESTIGATION Boston Office		DOJ COMPONENT Executive Office for United States Attorneys
DISTRIBUTION <input checked="" type="checkbox"/> Region NER <input checked="" type="checkbox"/> AIGINV <input checked="" type="checkbox"/> Component EOUSA <input type="checkbox"/> USA <input type="checkbox"/> Other	STATUS <input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Date of Previous Report:	

SYNOPSIS

The Department of Justice (DOJ) Office of the Inspector General (OIG) initiated this investigation upon the receipt of information from the Executive Office for United States Attorneys (EOUSA) alleging that, beginning in (b)(6); (b)(7)(C) of (b)(6); (b)(7)(C) U.S. Attorney's Office (USAO) (b)(6); (b)(7)(C) Assistant U.S. Attorney (AUSA), (b)(6); (b)(7)(C) had engaged in extensive communications with (b)(6); (b)(7)(C) the target of an investigation (b)(6); (b)(7)(C) which was being conducted by the (b)(6); (b)(7)(C) Police Department (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) It was also alleged that (b)(6); (b)(7)(C) communicated with (b)(6); (b)(7)(C) using his government-issued electronic devices and did so during (b)(6); (b)(7)(C) work hours. The (b)(6); (b)(7)(C) informed OIG that it viewed (b)(6); (b)(7)(C) as a potential witness against (b)(6); (b)(7)(C)

During the course of the investigation, the OIG found indications that (b)(6); (b)(7)(C) may have left his office during work hours for sexual encounters with (b)(6); (b)(7)(C).

The OIG investigation substantiated the allegation that (b)(6); (b)(7)(C) exchanged numerous inappropriate, sexually oriented text messages with (b)(6); (b)(7)(C) using his government-issued mobile device, including during the work day, in

DATE September 16, 2024 (b)(6); (b)(7)(C)	SIGNATURE (b)(6); (b)(7)(C)	Digitally signed by (b)(6); (b)(7)(C) Date: 2024.09.16 15:01:20 -04'00'
PREPARED BY SPECIAL AGENT DATE September 16, 2024 Ryan Geach	SIGNATURE	Digitally signed by RYAN GEACH Date: 2024.09.16 15:03:40 -04'00'
APPROVED BY SPECIAL AGENT IN CHARGE		

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

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violation of DOJ policy and federal ethics regulations. The OIG also found that (b)(6); (b)(7)(C) left his office during work hours for a sexual encounter with (b)(6); (b)(7)(C) in violation of federal ethics regulations. (b)(6); (b)(7)(C)

The OIG reviewed (b)(6); (b)(7)(C) reports, DOJ policies and procedures, electronic communications, and documents gathered in the (b)(6); (b)(7)(C) investigation, including (b)(6); (b)(7)(C) report of its forensic examination of (b)(6); (b)(7)(C) personal mobile device and personal computer. The OIG conducted a forensic examination of (b)(6); (b)(7)(C) government-issued devices. The OIG found that between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) exchanged 1,086 text messages with (b)(6); (b)(7)(C) using his government-issued mobile device. Most of those text messages were sexually explicit or sexually oriented, and many were sent during (b)(6); (b)(7)(C) work hours. The OIG found indications in the text messages that (b)(6); (b)(7)(C) sent (b)(6); (b)(7)(C) sexually explicit photographs, including to (b)(6); (b)(7)(C) personal Kik Messenger account (an instant messaging mobile app). (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) The OIG did find text messages on (b)(6); (b)(7)(C) government-issued mobile device that he exchanged with (b)(6); (b)(7)(C) which reflected that (b)(6); (b)(7)(C) left his office during work hours on one occasion for a sexual encounter with (b)(6); (b)(7)(C). The text messages also indicated that (b)(6); (b)(7)(C) on several occasions, had requested money from (b)(6); (b)(7)(C) in exchange for engaging in sexual activity with others (not (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)

In two voluntary interviews, (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) admitted receiving pornographic photographs and a video from (b)(6); (b)(7)(C) on his personal device, (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) admitted that he used his government-issued mobile device to exchange numerous text messages with (b)(6); (b)(7)(C) that the text messages he exchanged with (b)(6); (b)(7)(C) were sexually explicit or sexually oriented, and that this use of his government-issued mobile device was inappropriate. (b)(6); (b)(7)(C) also admitted that he exchanged some of the text messages with (b)(6); (b)(7)(C) during his regularly-scheduled work hours. Finally, (b)(6); (b)(7)(C) admitted that he had two sexual encounters with (b)(6); (b)(7)(C) one of which occurred during his work hours.

The USAO (b)(6); (b)(7)(C) declined prosecution of (b)(6); (b)(7)(C). The USAO (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) was recused from this matter.

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



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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 Executive Office for United States Attorneys (EOUSA) alleging that, beginning in (b)(6); (b)(7)(C) of (b)(6); U.S. Attorney's Office (USAO) for the (b)(6); (b)(7)(C) Assistant U.S. Attorney (AUSA), (b)(6); (b)(7)(C) had engaged in extensive communications with (b)(6); (b)(7)(C) the target of an investigation for (b)(6); (b)(7)(C) which was being conducted by the (b)(6); (b)(7)(C) Police Department ((b)(6); (b)(7)(C)). (b)(6); (b)(7)(C) It was also alleged that (b)(6); (b)(7)(C) communicated with (b)(6); (b)(7)(C) using his government-issued electronic devices and did so during (b)(6); (b)(7)(C) work hours. The (b)(6); (b)(7)(C) informed the OIG that it viewed (b)(6); (b)(7)(C) as a potential witness against (b)(6); (b)(7)(C).

During the course of the investigation, the OIG found indications that (b)(6); (b)(7)(C) may have left his office during work hours for sexual encounters with (b)(6); (b)(7)(C).

The OIG investigation substantiated the allegation that (b)(6); (b)(7)(C) exchanged numerous inappropriate, sexually oriented communications with (b)(6); (b)(7)(C) using his government-issued mobile device, including during the workday, in violation of DOJ policy and federal ethics regulations. The OIG also found that (b)(6); (b)(7)(C) left his office during work hours for a sexual encounter with (b)(6); (b)(7)(C) in violation of federal ethics regulations. (b)(6); (b)(7)(C)

Investigative Process

The OIG's investigative efforts consisted of the following:

Interviews of the following personnel:

(b)(6); (b)(7)(C) Assistant United States Attorney

Review of the following:

(b)(6); (b)(7)(C) forensic examination report of (b)(6); (b)(7)(C) personal computer;

(b)(6); (b)(7)(C) forensic examination report of (b)(6); (b)(7)(C) personal phone;

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

(b)(6); (b)(7)(C) Kik Messenger account;

- DOJ OIG forensic examination of (b)(6); (b)(7)(C) government computer and phone; and
- Text messages sent and received on (b)(6); (b)(7)(C) government phone.

(b)(6); (b)(7)(C) Violated Federal Ethics Rules by Engaging in Conduct Prejudicial to the Government

The information provided to the OIG alleged that beginning in (b)(6); (b)(7)(C) of (b)(6); (b)(7)(C) in (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) was in communication with (b)(6); (b)(7)(C) a target in a (b)(6); (b)(7)(C) criminal investigation (b)(6); (b)(7)(C)

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

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

During the course of the (b)(6) investigation,

(b)(6); (b)(7)(C) detectives became aware that (b)(6); (b)(7)(C) had extensive contact with a phone number associated with the cell phone that DOJ provided to (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)

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

Under 5 C.F.R. § 735.203, a government employee is prohibited from “engag[ing] in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government.” Under 5 C.F.R. § 2635.101(b)(5), “Employees shall put forth honest effort in the performance of their duties.”

Under 5 C.F.R. § 2635.101(b)(14), “Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part.”

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

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

The OIG reviewed the text messages that (b)(6); (b)(7)(C) exchanged with (b)(6); (b)(7)(C) on (b)(6); (b)(7)(C) government-issued cell phone and (b)(6); (b)(7)(C) personal Kik Messenger account, which the OIG was provided by (b)(6); (b)(7)(C). The OIG found that between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) when the text messages tail off, (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) exchanged 1,086 text messages and nearly all were related to coordinating or discussing sexual activity—with females and (b)(6); (b)(7)(C) as well as with just (b)(6); (b)(7)(C).

The texts show (b)(6); (b)(7)(C) first contacted (b)(6); (b)(7)(C) in (b)(6); (b)(7)(C) in response to a Craigslist ad placed by (b)(6); (b)(7)(C). Neither the (b)(6); (b)(7)(C) nor the OIG was able to recover the original Craigslist ad or the initial messages that were exchanged through the Craigslist listing, which the text messages indicate (b)(6); (b)(7)(C) used to send (b)(6); (b)(7)(C) some images of a female. After the initial contact through Craigslist, (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) began communicating through text messages, with (b)(6); (b)(7)(C) using his government-issued device. (b)(6); (b)(7)(C) told the OIG that he could not remember what the posting was for and that he likely used his DOJ phone number to hide the texts from (b)(6); (b)(7)(C). The texts indicate that (b)(6); (b)(7)(C) Craigslist ad was likely placed as a male/female couple looking for a third person to engage in sexual activity.

(b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) exchanged texts for over two years, from (b)(6); (b)(7)(C) to (b)(6); (b)(7)(C). The texting was intermittent, with the communications sometimes ceasing for weeks at a time. The texts had a general pattern: (b)(6); (b)(7)(C) would reach out to (b)(6); (b)(7)(C) there would be some discussion of arranging sexual activity, and nothing would come of the plans, except for the two instances where (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) met in person to engage in sexual activity. The plans sometimes were for (b)(6); (b)(7)(C) to watch (b)(6); (b)(7)(C) and a female engage in sexual activity, sometimes for (b)(6); (b)(7)(C) to participate in the activity with (b)(6); (b)(7)(C) and the female, sometimes for (b)(6); (b)(7)(C) and the female to engage in sexual activity, and sometimes for (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) to have a sexual encounter. As indicated from the text messages and as corroborated by (b)(6); (b)(7)(C) in his interview with OIG, (b)(6); (b)(7)(C) ultimately never joined (b)(6); (b)(7)(C) and another female, but he did meet with (b)(6); (b)(7)(C) alone for two sexual encounters, one of which occurred during working hours.

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

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



On (b)(6); (b)(7)(C) after about 21 months of texting, (b)(6); (b)(7)(C) first raised with (b)(6); (b)(7)(C) the topic of commercial sex when he first requested that (b)(6); (b)(7)(C) pay money in exchange for sexual activity. Over the next five months, (b)(6); (b)(7)(C) requested (b)(6); (b)(7)(C) pay to engage in or watch (b)(6); (b)(7)(C) engage in sexual acts approximately ten times. (b)(6); (b)(7)(C) texts are ambiguous on the exact nature of the quid pro quo. About half the time (b)(6); (b)(7)(C) asked (b)(6); (b)(7)(C) to pay to watch (b)(6); (b)(7)(C) engage in sexual activity with a female and half the time (b)(6); (b)(7)(C) asked (b)(6); (b)(7)(C) to pay to participate in sexual activity with a female (with and without (b)(6); (b)(7)(C)).

(b)(6); (b)(7)(C) responses to (b)(6); (b)(7)(C) requests for payment were ambiguous. When first asked, (b)(6); (b)(7)(C) responded, "That's a problem." But (b)(6); (b)(7)(C) never definitively responded with a "no" or definitive refusal to not pay for sex. (b)(6); (b)(7)(C) continued to text with (b)(6); (b)(7)(C) and inquire about sexual encounters, both with just (b)(6); (b)(7)(C) and with (b)(6); (b)(7)(C) and another female, but (b)(6); (b)(7)(C) did not raise the topic of payment in exchange for sexual activity. When (b)(6); (b)(7)(C) asked (b)(6); (b)(7)(C) for payment, (b)(6); (b)(7)(C) generally responded by acknowledging the expectation of payment, expressing an interest in sexual encounters, but stating he was not available, for instance:

- "I get it. And I would tonight for sure if I were free";
- "I am gone all weekend";
- "I wish I could. Have to get my kids to hockey practice. Damn";
- "Cool. Just let me know next time";
- "Let me know next time you have her over";

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- "I can't do 6 But I so want to"; and
- "Let me know if you have any time next week."

(b)(6); (b)(7)(C) did not take specific, affirmative steps to make a payment, such as, inquiring about the actual cost, asking how to transfer the money, or asking for a clarification of the quid pro quo.

The following exchange illustrates how (b)(6); (b)(7)(C) requested payment and how (b)(6); (b)(7)(C) responded, which indicates some interest on (b)(6); (b)(7)(C) part but does not reflect any affirmative commitment to pay or meet in person, offering instead to come by after the female left to see pictures or video of sexual activity. (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)
(b)(6); (b)(7)(C) On (b)(6); (b)(7)(C), the following exchange occurred:

(b)(6); (b)(7)(C) I may have a girl coming to the house tomorrow around 8:30 in the morning. Maybe you can come by and take a look at her. It's someone different. I'm sure if you give her a little money and she'll let you play with her.

(b)(6); (b)(7)(C) Keep me posted. When will you know?

(b)(6); (b)(7)(C) Tomorrow AM

(b)(6); (b)(7)(C) Ok. Let me know. I am free starting around 830.

The next day, when the encounter was supposed to take place, (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) exchanged the following texts:

(b)(6); (b)(7)(C) I am picking her up now. I will let you know if she's down for the extra guy. I do know she will want money for you to see her naked. She's a little weird like that. She's an 18 year old (b)(6); (b)(7)(C) [a local community college] student

(b)(6); (b)(7)(C) Let me know.

(b)(6); (b)(7)(C) Is it something you would want??

(b)(6); (b)(7)(C) I am up for anything. Love to just watch you guys get after it. Whatever.

(b)(6); (b)(7)(C) How much can you give her to watch her fuck and touch her and stuff? Poor college student

(b)(6); (b)(7)(C) did not answer (b)(6); (b)(7)(C) question about payment and instead told (b)(6); (b)(7)(C) what underwear he was wearing. (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) to message him on his Kik account, where the exchange continued as follows:

(b)(6); (b)(7)(C) Cute little blonde

(b)(6); (b)(7)(C) If she is down for a third maybe I can come after and see some pics or videos

(b)(6); (b)(7)(C) You don't wanna watch live? Or play with her?

(b)(6); (b)(7)(C) That would be best.

(b)(6); (b)(7)(C) Do you have any cash? \$20 Just to convince her?

(b)(6); (b)(7)(C) Are you paying her?

(b)(6); (b)(7)(C) I am her sugar daddy so yes... I kinda do... Over time [grinning emoji]

(b)(6); (b)(7)(C) Oh I see

From the texts, it appears (b)(6); (b)(7)(C) could see a live stream of (b)(6); (b)(7)(C) and another person through his Kik account:

(b)(6); (b)(7)(C) Can I come over?

(b)(6); (b)(7)(C) U wanna watch her fuck me??

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(b)(6); (b)(7)(C) Can you do video?
(b)(6); (b)(7)(C) We need \$

The Kik messages ended without a response from (b)(6); (b)(7)(C). Approximately 35 minutes later the text messages resumed on (b)(6); (b)(7)(C) government device with (b)(6); (b)(7)(C) texting (b)(6); (b)(7)(C) "Sorry it didn't work out"; thanking (b)(6); (b)(7)(C) "for the great pictures"; and then discussing where (b)(6); (b)(7)(C) met the person in the video. (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) "Most (b)(6); (b)(7)(C) have daddy issues and they all like to f***!" (asterisks in the original).

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

A little over two weeks later, on (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) he was meeting up with the same female and again mentioned payment: "Would need a little gas money if you want to watch." (b)(6); (b)(7)(C) then added, "that is the new rule for her moving forward with everybody." (b)(6); (b)(7)(C) did not explicitly agree to pay for any sexual act, nor did he give any indication that he would not, responding, "yup" and "got it." (b)(6); (b)(7)(C) asked a few questions about where (b)(6); (b)(7)(C) would be and whether participants stay dressed as they watch, but then stated he was not available at either of the two times (b)(6); (b)(7)(C) proposed: "I can't do 6 But I so want to." Two days later, on (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) asked (b)(6); (b)(7)(C) if has time to meet that morning. The texts then show that (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) arranged a sexual encounter with just the two of them, with no discussion of any female being present, which occurred during (b)(6); (b)(7)(C) regular work hours—approximately at 9:15 AM on a Monday.

(b)(6); (b)(7)(C) last text to (b)(6); (b)(7)(C) was on (b)(6); (b)(7)(C) asking (b)(6); (b)(7)(C) "You free today?" to which (b)(6); (b)(7)(C) responds, "no." (b)(6); (b)(7)(C) sends his last text to (b)(6); (b)(7)(C) asking "How ya been??" (b)(6); (b)(7)(C) does not respond.

During (b)(6); (b)(7)(C) first voluntary interview with the OIG, (b)(6); (b)(7)(C)

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

(b)(6); (b)(7)(C) also denied ever providing anyone money for sex or providing anyone with gas money in order to meet for sex as detailed within the text message communications exchanged between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) stated he "had concerns" when (b)(6); (b)(7)(C) started discussing money (b)(6); (b)(7)(C)

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

(b)(6); (b)(7)(C) also admitted that his actions could subject him to potential blackmail and other security clearance issues.

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The U.S. Attorney's Office (b)(6); (b)(7)(C) declined prosecution of (b)(6); (b)(7)(C) The U.S. Attorney's Office (b)(6); (b)(7)(C) was recused from this matter.

OIG's Conclusion

The OIG investigation found that (b)(6); (b)(7)(C) violated federal ethics rules 5 C.F.R. § 735.203 and 5 C.F.R. § 2635.101(b)(14), by engaging in conduct that was prejudicial to the government and by "creating the appearance that [he was] violating the law." We concluded that (b)(6); (b)(7)(C) engaged in conduct prejudicial to the government and created the appearance of violating the law by continuing to interact with (b)(6); (b)(7)(C), including by using his government device to facilitate these communications, after (b)(6); (b)(7)(C) had provided indications in his text messages to (b)(6); (b)(7)(C) that he (b)(6); (b)(7)(C) was engaged in illegal activity.

From their first text conversations, (b)(6); (b)(7)(C) raised substantial red flags of being involved in criminal activity that (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) That these exchanges began through a Craigslist ad with a stranger should have provided (b)(6); (b)(7)(C) sufficient indication of potential criminality. (b)(6); (b)(7)(C) also remained in contact with (b)(6); (b)(7)(C) even initiating the majority of the conversations, after (b)(6); (b)(7)(C) began requesting payment for sexual activity. While the OIG, as described below, (b)(6); (b)(7)(C) actions raised serious concerns, including the potential of exposing himself to the risk of blackmail, as (b)(6); (b)(7)(C) himself acknowledged to the OIG. A person with knowledge of (b)(6); (b)(7)(C) voluminous and prolonged sexually explicit text communications, including that many came from his government-issued phone, could have leveraged this information against (b)(6); (b)(7)(C) creating security risks for the government. (b)(6); (b)(7)(C) recognized the compromising nature of this information, telling the OIG he used his DOJ phone to text with (b)(6); (b)(7)(C) to keep those communications from (b)(6); (b)(7)(C) Moreover, (b)(6); (b)(7)(C) continued interactions with (b)(6); (b)(7)(C) created the appearance that (b)(6); (b)(7)(C) was violating the law. In his interview with the OIG, (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) also admitted that he "wasn't surprised" when he saw (b)(6); (b)(7)(C) picture in the paper after his arrest.

Additionally, (b)(6); (b)(7)(C) decision to leave his office during regular work hours for sexual activity with (b)(6); (b)(7)(C) is additional conduct prejudicial to the government and raises additional serious concerns about his judgment.

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

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

(b)(6); (b)(7)(C) Violated Federal Ethics Rules and DOJ Policy by Using his Government-Issued Cell Phone to Exchange Sexually Explicit Text Messages

The information provided to the OIG alleged that (b)(6); (b)(7)(C) exchanged approximately 800 text messages with (b)(6); (b)(7)(C), the subject of an extensive (b)(6); (b)(7)(C) investigation related to sexual assault (b)(6); (b)(7)(C) while utilizing his government-issued cell phone, many of which were exchanged during the course of (b)(6); (b)(7)(C) regularly-scheduled workday.

The DOJ Ethics Handbook for On and Off-Duty Conduct (dated January 2016) restricts employees from using government-issued property "to create, download, view, or store, copy or transmit sexually explicit or sexually oriented materials..." In addition, DOJ policy provides that "[p]ersonal activities should be conducted on personal equipment, except to the minimal degree that personal use on Government equipment is permitted by Department policy." See also DOJ 2740.1A ("Use and Monitoring of DOJ Computers and Computer Systems").

Under 5 C.F.R. § 26354.704, a government employee "shall not use such property, or allow its use, for other than authorized purposes." Under 28 C.F.R. § 45.4(a), "Employees may use Government property only for official business or as authorized by the Government." Under 5 C.F.R. § 2635.101(b)(9), "Employees shall protect and conserve Federal property and shall not use it for other than authorized activities." The same section also states, "(14) Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part." Id. (b)(14).

According to the U.S. Attorneys' Information Systems Rules of Behavior, any personal use of government-issued devices must be on personal time and have negligible cost to the government and be of reasonable duration. Obtaining, viewing, or transmitting sexually explicit material is prohibited except for official law enforcement purposes.

The OIG reviewed (b)(6); (b)(7)(C) text messages from his government-issued cell phone as well as (b)(6); (b)(7)(C) cell phone records that were provided by the (b)(6); (b)(7)(C). The review of the text messages revealed that beginning in (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) exchanged 1,086 text messages with (b)(6); (b)(7)(C). The OIG's review found that

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essentially all of the text messages exchanged between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) related to matters that were sexual in nature. The texts also show that (b)(6); (b)(7)(C) arranged two sexual encounters with (b)(6); (b)(7)(C) for one of which (b)(6); (b)(7)(C) left his office during his regularly-scheduled workday.

During (b)(6); (b)(7)(C)'s first voluntary interview with the OIG, (b)(6); (b)(7)(C) said that he owned and utilized a personal cell phone in (b)(6); (b)(7)(C) but could not provide the OIG with a reason why he chose to utilize his government-issued cell phone to communicate with (b)(6); (b)(7)(C) rather than utilizing his personally-owned cell phone, other than potentially keeping the texts from (b)(6); (b)(7)(C). During (b)(6); (b)(7)(C)'s second voluntary interview with the OIG, (b)(6); (b)(7)(C) said that his communications with (b)(6); (b)(7)(C) were not for work-related purposes and admitted that his use of his government-issued cell phone to exchange over 1,000 sexually explicit text messages with (b)(6); (b)(7)(C) was in violation of DOJ policies and procedures. (b)(6); (b)(7)(C) admitted that some of the messages that he exchanged with (b)(6); (b)(7)(C) occurred during his regularly-scheduled workday. (b)(6); (b)(7)(C) also admitted that he engaged in two sexual encounters with (b)(6); (b)(7)(C), one of which occurred during (b)(6); (b)(7)(C)'s regularly-scheduled workday.

The U.S. Attorney's Office (b)(6); (b)(7)(C) declined prosecution of (b)(6); (b)(7)(C). The U.S. Attorney's Office (b)(6); (b)(7)(C) was recused from this matter.

OIG's Conclusion

The OIG investigation concluded that between (b)(6); (b)(7)(C) used his government-issued cell phone to exchange over 1,000 sexually explicit and sexually oriented text messages with (b)(6); (b)(7)(C) and that his actions constituted administrative misconduct in violation of DOJ policy and federal ethics regulations.