

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

**REPORT OF INVESTIGATION**

<b>SUBJECT</b>		<b>CASE NUMBER</b>	
[REDACTED] Assistant Special Agent in Charge [REDACTED]		[REDACTED]	
<b>OFFICE CONDUCTING INVESTIGATION</b>		<b>DOJ COMPONENT</b>	
New York Field Office		Federal Bureau of Investigation	
<b>DISTRIBUTION</b>		<b>STATUS</b>	
<input checked="" type="checkbox"/> <b>Field Office</b> NYFO <input checked="" type="checkbox"/> <b>AIGINV</b> <input checked="" type="checkbox"/> <b>Component</b> FBI <input type="checkbox"/> <b>USA</b> <input type="checkbox"/> <b>Other</b>		<input type="checkbox"/> <b>OPEN</b> <input type="checkbox"/> <b>OPEN PENDING PROSECUTION</b> <input checked="" type="checkbox"/> <b>CLOSED</b> <b>PREVIOUS REPORT SUBMITTED:</b> <input type="checkbox"/> <b>YES</b> <input checked="" type="checkbox"/> <b>NO</b> <b>Date of Previous Report:</b>	


**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) [REDACTED] alleging that on [REDACTED] at an after-hours social function [REDACTED] FBI Assistant Special Agent in Charge (ASAC) [REDACTED] allegedly touched FBI [REDACTED] vagina and buttocks over her clothes without her consent multiple times for a few seconds on each occasion. The OIG conducted this investigation with the assistance of the FBI and [REDACTED] Police Department [REDACTED]

During the course of the investigation, the OIG found indications that [REDACTED] may have engaged in unwanted physical sexual contact with other female FBI employees, made offensive comments to and about female FBI employees, consumed alcohol in a federal building while on duty and encouraged his subordinates to do the same, [REDACTED]

The OIG investigation substantiated the allegations that [REDACTED] engaged in unwanted physical sexual contact with three female FBI employees, made offensive comments to and about female FBI employees that created a hostile work environment, and consumed alcohol in a federal building and provided alcohol to his subordinates and visitors to do the same. [REDACTED]

Three female FBI employees told the OIG that they were victims of unwanted physical sexual contact by [REDACTED]. The first employee, [REDACTED], reported an incident that occurred [REDACTED] which resulted in this investigation. During the course of the OIG investigation, a second FBI [REDACTED]

<b>DATE</b>	12/07/2020	<b>SIGNATURE</b>	[REDACTED]
<b>PREPARED BY SPECIAL AGENT</b>	[REDACTED]		
<b>DATE</b>	12/07/2020	<b>SIGNATURE</b>	 Digitally signed by Sandra Barnes Date: 2020.12.07 17:47:22 -05'00'
<b>APPROVED BY SPECIAL AGENT IN CHARGE</b>	Sandra D. Barnes		

employee reported an event to the OIG that occurred around [REDACTED] and a third FBI employee reported to the OIG an incident that occurred in [REDACTED]. The alleged unwanted physical sexual contact occurred at after-work social functions [REDACTED] or in the workplace. In addition, a video surveillance recording from [REDACTED] captured on [REDACTED] shows [REDACTED] reaching behind [REDACTED] touching her waist or upper buttocks, and [REDACTED] immediately stepping away from [REDACTED].

Three FBI witnesses told the OIG that they personally heard [REDACTED] make inappropriate comments about female FBI employees.

Six FBI witnesses told the OIG that they personally observed [REDACTED] consume alcohol in FBI offices in a federal building while on duty on multiple occasions.

[REDACTED] denied ever touching any employees inappropriately or making inappropriate statements about female FBI employees.

[REDACTED] admitted to consuming alcohol in his FBI office with subordinates as a way of “building a trust tree” where subordinates could feel comfortable reporting bad news to him or reporting any other matters to him. In addition, [REDACTED] admitted that he provided alcohol to visitors in his FBI office on multiple occasions.

The [REDACTED] declined criminal prosecution of [REDACTED].

The [REDACTED] declined to open an investigation into the allegations against [REDACTED].

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

## 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) [REDACTED] alleging that on [REDACTED] at an after-hours social function [REDACTED] FBI Assistant Special Agent in Charge (ASAC) [REDACTED] touched FBI [REDACTED] vagina and buttocks over her clothes without her consent multiple times for a few seconds on each occasion. The OIG conducted this investigation with the assistance of the FBI and [REDACTED] Police Department [REDACTED]

During the course of the investigation, the OIG found indications that [REDACTED] may have also engaged in unwanted physical sexual contact with other female FBI employees, consumed alcohol in a federal building while on duty and encouraged his subordinates to do the same, made offensive comments to and about female FBI employees, [REDACTED]

### Investigative Process

The OIG's investigative efforts consisted of interviewing [REDACTED], and all other FBI employees identified as either victims of or witnesses to sexually harassing behavior or unwanted physical sexual contact by [REDACTED] and reviewing of all of [REDACTED] FBI-issued iPhone text messages and email communication from [REDACTED]. The OIG also reviewed surveillance footage obtained from the [REDACTED] showing the events of [REDACTED]

The OIG investigative efforts consisted of the following:

Interviews of the following FBI personnel:

- [REDACTED] Assistant Special Agent in Charge (ASAC)

[REDACTED]

- CE-2

[REDACTED]

- CE-1
- CE-3



Review of the following:

- Video surveillance from [REDACTED] dated [REDACTED];
- Consensually monitored and recorded phone conversation between [REDACTED] and [REDACTED]
- [REDACTED] FBI-issued mobile device to include text messages and photographs;
- Text exchanges between [REDACTED] and [REDACTED] from [REDACTED]
- Surveillance and records provided by E-ZPass® [REDACTED] and [REDACTED]
- Administrative search of [REDACTED] work space.

## Unwanted Physical Sexual Contact and Hostile Work Environment

### *Department of Justice and FBI Policies*

The Department's zero-tolerance harassment policy states that "[h]arassing conduct is defined as any unwelcome verbal or physical conduct" that is based upon, among other things, sex, and includes sexual harassment. Attorney General, Policy Memorandum # 2015-04, *Prevention of Harassment in the Workplace* (Oct. 9, 2015), at 2 (DOJ Harassment Policy). The memorandum also states that:

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.

FBI Offense Code 5.20, provides penalties for "unwelcome sexual conduct," such as "unwelcome verbal or physical conduct of a sexual nature, and is not limited to conduct that creates a 'hostile work environment' under federal or state law." Unwelcome conduct of a sexual nature by a supervisor or a co-worker can constitute sexual harassment.

The DOJ memorandum on off-duty conduct provides that harassment outside of the office could result in discipline "if there is a nexus (connection) between the offending conduct and the employee's job-related responsibilities." Assistant Attorney General for Administration and Designated Agency Ethics Official, Memorandum for All Department Employees, *Off-Duty Conduct* (Jan. 29, 2016), at 2. The nexus between off-duty misconduct and efficiency of the service, may be shown by "preponderant evidence that the misconduct adversely affects the [alleged transgressor's] or co-worker's job performance or the agency's trust in the [alleged transgressor's] job performance." *Ibid.*; see also Memorandum for Heads of Department Components, *Sexual Harassment and Sexual Misconduct* (April 30, 2018), at 2.

### **[REDACTED]** *Workplace Comments*

During an interview with the OIG, [REDACTED] stated that on or around [REDACTED], [REDACTED] was working with [REDACTED] and [REDACTED] in the FBI [REDACTED]

At some point, [REDACTED] entered [REDACTED]. According to [REDACTED], [REDACTED] stated to him and [REDACTED] "Do you think she does anal?" [REDACTED] added [REDACTED] had the reputation of being an individual who would often engage in "loose talk." [REDACTED] told the OIG that he has heard secondhand accounts of other comments that [REDACTED] has made about and to female employees at the FBI; however, this was the only comment or incident that he could recall directly witnessing.

[REDACTED] told the OIG that he witnessed [REDACTED] make inappropriate comments in the workplace on multiple occasions, but could not recall the specific comments or times. [REDACTED] described these comments as possibly "offensive to younger employees or if he said those comments to someone else."

[REDACTED] stated to the OIG that in [REDACTED], when she and [REDACTED] were in a crowded elevator, he made a dismissive comment about the "#MeToo" movement that [REDACTED] thought was inappropriate for a supervisor to make. [REDACTED] was not able to recall the exact quote.

The OIG informed [REDACTED] about this allegation of making offensive comments in the workplace. He denied making these comments or engaging in this type of behavior.

### *Unwanted Physical Sexual Contact with [REDACTED]*

On [REDACTED], [REDACTED] filed a criminal complaint with the [REDACTED] alleging that [REDACTED] forcibly touched her vagina and buttocks without her consent [REDACTED] during an after-hours social function [REDACTED].

[REDACTED], employees of the FBI [REDACTED] held an after-hour social function in a private room [REDACTED]. According to [REDACTED], he and [REDACTED], [REDACTED] and [REDACTED] moved to the main area of the bar. [REDACTED] told us that, sometime between 9:00 p.m. and 10:30 p.m., [REDACTED] said to [REDACTED] "is attractive. Do you think I should try to sleep with her?" [REDACTED] told the OIG that he did not observe [REDACTED] touch [REDACTED] nor did he see them alone at any time [REDACTED].

Efforts by the OIG to reach [REDACTED] for an interview were not successful.

[REDACTED] told the OIG that a short time after moving to the main area of the bar, while the four of them were in a group, [REDACTED] without her consent, rubbed her vagina and buttocks over her clothing with his hand on multiple occasions for a few seconds each time. According to [REDACTED] she left the [REDACTED] shortly thereafter. [REDACTED] provided the OIG with a text message exchange between her and [REDACTED] from [REDACTED]. An exchange that occurred at 10:25 p.m. states:

[REDACTED] Hey...I clocked (sic) things got a little weird & uncomfortable there...You okay? I know I asked already, but we put up with a lot for the sake of not rocking the boat, so I just want to make sure.

[REDACTED] It was gross and creepy, he was touching the same parts of me repeatedly so not by accident. But like you said, we put up with a lot so as not to rock the boat. I'm home and physically secure thanks for asking tho. I can't express how much safer that makes me feel.

On [REDACTED], [REDACTED] reported the events of [REDACTED], to [REDACTED].

On [REDACTED], [REDACTED] filed a criminal complaint against [REDACTED] at the [REDACTED], alleging that [REDACTED] forcibly touched her vagina and buttocks without her consent. Later on [REDACTED] under the supervision of [REDACTED], she participated in a consensually monitored and recorded telephone conversation with [REDACTED]. During the telephone call [REDACTED] attempted to get [REDACTED] to admit he touched her inappropriately. [REDACTED] never admitted doing so, but made numerous statements, such as: "I know it wasn't intentional," "I don't remember much of that night," and "I drank too much."

[REDACTED] told the OIG that the events of [REDACTED], caused her to become more disengaged at work and to take a "lot of leave here and there." She also stated that she was slower to finish work and was less concerned about work. [REDACTED].

A review of video surveillance from [REDACTED], obtained from [REDACTED] shows two incidents where it appears that [REDACTED] made physical contact with [REDACTED]. The first incident occurred at approximately 9:29 p.m., where the video shows [REDACTED] put his right arm behind [REDACTED] back near her waist and, along with [REDACTED], appears to be looking at [REDACTED] cellular telephone. [REDACTED] right arm is around [REDACTED] waist for approximately four seconds. [REDACTED] does not appear to physically react to [REDACTED] actions.

The second incident occurred at approximately 10:12 p.m., where the video shows [REDACTED] right arm again reaching around [REDACTED] waist or upper buttocks touching her. As [REDACTED] is doing so, [REDACTED] clearly steps away from [REDACTED]. [REDACTED] immediately moves back from [REDACTED] when she steps away from him.

During his OIG interview, the OIG asked [REDACTED] about [REDACTED] allegations that he inappropriately touched [REDACTED] at the event [REDACTED] on [REDACTED]. [REDACTED] denied touching [REDACTED] that evening. When [REDACTED] was shown the first video clip by the OIG, he denied that he placed his hand on [REDACTED] back, but rather insisted he was resting it on a shelf behind [REDACTED] so that he could look at something on her cellular phone. When shown the second video clip by the OIG, [REDACTED] denied touching [REDACTED] and told the OIG that his hand was in his pocket. The OIG also asked [REDACTED] about his statements to [REDACTED] during the consensually recorded phone call on [REDACTED]. [REDACTED] responded that he thought he was dealing with an "unstable-ish personality" and wanted to get her off the telephone and avoid having her do something rash, like "go to the police."

The [REDACTED] declined prosecution and [REDACTED] declined to open an investigation based upon the above-described conduct.

### *Unwanted Physical Sexual Contact with Confidential Employee 1*

Confidential Employee 1 (CE-1) told the OIG that in either [REDACTED] or [REDACTED] at an after-hours social function [REDACTED], [REDACTED] placed his hand on her hip and attempted to slide his hand onto her lower back several times. CE-1 said that she moved her body to prevent [REDACTED] from touching her any further. CE-1 stated that she had an application pending to move into a different position within the FBI when this event occurred.

During an interview with the OIG, CE-1 stated that during [REDACTED], she was employed at the FBI [REDACTED], she spoke with [REDACTED] in his official capacity as an ASAC [REDACTED].

Shortly after her conversation with [REDACTED], CE-1 attended an after-hours social function [REDACTED]. During this function, CE-1 spoke with [REDACTED] alone about work matters. According to CE-1, as the two of them were speaking, [REDACTED] leaned into her, placed his hand above CE-1's hip and attempted to slide it around her waist. CE-1 was able to turn her body to deflect [REDACTED] hand. She stated further that [REDACTED] attempted this action a few more times before she was able to end her conversation with him.

The OIG asked CE-1 if she said anything to [REDACTED] when he attempted to place his arm around her waist. She told the OIG that she did not say anything to him because he was a supervisor in her section and she thought it best to get herself out of the situation.

CE-1 told the OIG that she believed that [REDACTED] was intoxicated when he attempted to slide his hand around her waist. She explained to the OIG that she had observed him throughout the evening and saw a change in his demeanor and that his physical movements appeared to her as someone under the influence of alcohol. She also stated that when he was speaking with her, his eyes appeared glassy and that he was slurring his words.

CE-1 stated to the OIG that she did not tell anyone about [REDACTED] conduct immediately after it occurred. She explained that she did not want to cause problems for herself in the office and that because [REDACTED] was a supervisor, she believed he could negatively impact her career. CE-1 told the OIG that [REDACTED] later told her about her experience with [REDACTED] on [REDACTED]. She stated further that at that time, she told [REDACTED] that she believed her and told [REDACTED] about [REDACTED] attempts to put his arm around her waist [REDACTED] in [REDACTED].

The OIG asked [REDACTED] about CE-1's allegations during his OIG interview. He denied ever engaging in the type of behavior as CE-1 described to the OIG.

## *Inappropriate Sexual Comments to and Unwanted Physical Sexual Contact with Confidential Employee*

2

According to information provided to the OIG during the course of this investigation, around [REDACTED] [REDACTED] made comments in FBI office space to Confidential Employee 2 (CE-2) that she interpreted to be sexual in nature and inappropriate. CE-2 also alleged that [REDACTED] made unwanted physical contact with her in FBI office space on multiple occasions, and that [REDACTED] made unwanted physical contact with her and unwanted sexual comments to her at an after-hours social function [REDACTED].

During an interview with the OIG, CE-2 told the OIG that [REDACTED] was her first supervisor [REDACTED]. CE-2 stated that, as her supervisor, [REDACTED] made numerous comments that she found offensive, inappropriate, and sexual in nature. CE-2 said that [REDACTED] told her that she looked like his wife, and made comments such as, "Your perfume is getting me." CE-2 also recalled [REDACTED] making reference to the physical appearances of female FBI employees, and providing CE-2 with a pamphlet regarding "exercise for body types."

CE-2 said that on multiple occasions [REDACTED] approached her from behind while she was seated at her office desk and rubbed her shoulders saying that she seemed tense. She told the OIG that [REDACTED] did not have her permission to rub her shoulders.

CE-2 told the OIG that she attended [REDACTED] [REDACTED] According to CE-2, during the after-hours social function [REDACTED] whom she believed to be intoxicated, approached her while she was alone at the bar, leaned in, grabbed her buttocks and stated, "Tell me that you want me." CE-2 stated that [REDACTED] attempted to grab her buttocks a second time, but she deflected his hand.

According to CE-2, two other FBI employees, whose identities she could not recall, approached her shortly thereafter and told her that they had seen what [REDACTED] had done. CE-2 told the OIG that the two individuals told her that they saw what [REDACTED] had done and were about to intervene, but decided that she could handle the situation herself. CE-2 also said that she did not officially report [REDACTED] conduct to anyone within the FBI, but that since then has told friends, including Confidential Employee 3 (CE-3), about what occurred [REDACTED] Since [REDACTED] shortly after the incident CE-2 reported, CE-2 said that she and [REDACTED] did not work together again [REDACTED]

CE-2 stated to the OIG that CE-3, [REDACTED] attended a [REDACTED] lunch with CE-2 and [REDACTED] in [REDACTED] CE-2 said that during the lunch [REDACTED] told CE-3, "I never sexually harassed [CE-2] until after she was no longer my employee."

CE-2 told the OIG that after [REDACTED] [REDACTED] he was not CE-2's direct supervisor but was a higher General Service (GS) rank than her. CE-2 stated that on one occasion, CE-2 was asked to perform a task by her direct supervisor, and that [REDACTED] yelled at her in front of other FBI employees and told her co-workers to "get off your ass and do [the task]!" [REDACTED] then followed CE-2 into her cubicle yelling that "she was being a bad employee." CE-2 recalled, at one point, [REDACTED] was so close to CE-2 and so enraged while yelling at her that he inadvertently spat on her.

During an OIG interview, CE-3 told the OIG that sometime in [REDACTED] she and CE-2 went to a bar after work with [REDACTED] and others. CE-3 stated that while she was at the bar, she said to [REDACTED] "I heard you give [CE-2] a hard time," and that [REDACTED] responded to her that "[he] didn't bother [CE-2] until after [he] wasn't her boss." She also said that while they were at the bar, [REDACTED] "poked fun at" and "picked on" CE-2, but CE-3 could not recall any specific comments that [REDACTED] made. CE-3 stated that it was her impression that [REDACTED] was "over the top" and "slimy."

The OIG questioned [REDACTED] about CE-2's allegations. He denied ever engaging in that type of behavior.

The OIG presented the evidence of the three allegations of unwanted touching to the [REDACTED] [REDACTED] declined to open an investigation on [REDACTED]

### *OIG's Conclusion*

The OIG concluded that [REDACTED] created a hostile work environment and engaged in sexual harassment by making offensive sexual comments and engaging in unwanted physical sexual contact with [REDACTED] CE-2 and CE-3, as discussed above. [REDACTED] conduct constituted administrative misconduct in violation of the Department's zero tolerance harassment policy and FBI Offense Code 5.20.

Multiple witnesses told the OIG that they observed [REDACTED] make inappropriate sexual comments in the workplace. While most witness could not recall specific comments made by [REDACTED] each described [REDACTED] as making inappropriate comments. [REDACTED] on the other hand, was able to identify a specific statement pertaining to [REDACTED], in which [REDACTED] asked other FBI employees, "Do you



think she [REDACTED] does anal?" CE-2 also described to the OIG inappropriate comments made to her by [REDACTED] at the time he was her direct supervisor, including asking her while at an FBI after-work event at [REDACTED], "Tell me that you want me." These actions by [REDACTED] created a hostile work environment and violated Department and FBI policy.

Similarly, multiple witness, specifically [REDACTED] CE-1, and CE-2, told the OIG about [REDACTED] inappropriate physical sexual contact with them, and the OIG found each of these witnesses to be credible. The OIG concluded that [REDACTED] made unwanted physical sexual contact with [REDACTED] during an FBI after-work social [REDACTED] on [REDACTED], as alleged and that his actions constituted administrative misconduct in violation of the DOJ's zero tolerance harassment policy and FBI Offense Code 5.20. During the event, [REDACTED] told [REDACTED] that he found [REDACTED] attractive and asked if he "should try to sleep with her." As noted above, [REDACTED], [REDACTED] made similar inappropriate sexual comments about [REDACTED] to an FBI colleague. Moreover, video evidence from [REDACTED] at approximately 10:12 pm shows [REDACTED] making physical contact with [REDACTED] waist or lower back and [REDACTED] clearly having a physical reaction to [REDACTED] touching her. The OIG considered [REDACTED] claim that he placed his hand in his pocket, but did not credit it because the video shows [REDACTED] hand reach around [REDACTED] waist or upper buttocks. Additionally, immediately after [REDACTED] left the [REDACTED], she exchanged text messages with her friend, who was present at the bar and observed [REDACTED] conduct, in which the two of them discussed [REDACTED] unwanted physical contact with [REDACTED]. Lastly, when called by [REDACTED] on [REDACTED] in a consensually monitored call, [REDACTED] did not deny [REDACTED] allegation but rather responded with comments such as: "I know it wasn't intentional," "I don't remember much of that night," and "I drank too much."

While [REDACTED] conduct occurred at an after-hours function, DOJ's zero tolerance policy encompasses misconduct that occurs "outside the workplace when there is a nexus between the conduct and the employee's duties and responsibilities or the agency's mission." Memorandum for Heads of Department Components, *Sexual Harassment and Sexual Misconduct* (April 30, 2018), at 2. This nexus can be established by, among other things, "preponderant evidence that the misconduct adversely affects the employee's . . . job performance." *Id.* at 3. Here, there is sufficient evidence demonstrating that [REDACTED] conduct adversely affected [REDACTED] job performance. According to [REDACTED] the events made her take a "lot of leave," finish work slower, and become more disengaged from the FBI. [REDACTED]. Similarly, CE-2 told us that [REDACTED] conduct caused her to not want to participant in group "brain storming" discussions with [REDACTED] regarding further cases [REDACTED].

CE-1's and CE-2's testimony concerning [REDACTED] unwanted physical sexual contact mirrored the facts described to the OIG by [REDACTED]. The incidents CE-1 and CE-2 reported to us occurred at the same location and type of social function, and involved substantially the same conduct as described by [REDACTED]. CE-1's and CE-2's credibility, coupled with the OIG's substantiation of [REDACTED] allegations described above, provide enough evidence to conclude that [REDACTED] more likely than not violated both the Department's zero tolerance harassment policy and FBI Offense Code 5.20 in [REDACTED].

## Consumption of Alcohol While on Duty

Information was provided to the OIG during the course of the investigation alleging that [REDACTED] routinely consumed alcohol while on duty as an FBI ASAC in an FBI office building and when in the presence of and with other FBI employees and international law enforcement liaison partners.

Title 41, Code of Federal Regulations, 102-74.405, states:

Except where the head of the responsible agency or his or her designee has granted an exemption in writing for the appropriate official use of alcoholic beverages, all persons entering in or on Federal property are prohibited from being under the influence or using alcoholic beverages.

FBI Policy Directive 0959D, Alcohol Use on FBI Property, dated March 134, 2017, states:

All persons, including FBI personnel and visitors, are prohibited from consuming alcoholic beverages or being under the influence of alcohol at any time on FBI property or federal property utilized by the FBI unless authorized in writing by the associate deputy director (ADD) (nondelegable); except as otherwise noted in Section 5.5.

FBI Human Resources Division 0358PG, “FBI Alcohol Policy Guide” sections 1.1.1 provides that FBI employees may not:

- Consume or be under the influence of alcohol at any time on FBI property or federal property utilized by the FBI;
- Consume alcohol while on duty, including time allotted for meal periods or any period of leave taken if the employee intends to return to work before the termination of working hours, with limited exceptions necessary for Special Agents in certain undercover or surveillance assignments;
- Report for duty while under the influence of alcohol;
- Operate any motor vehicle, while under the influence of alcohol;
- Carry a firearm when impaired by the consumption of alcohol.

Section 1.1.3 of the policy guide also provides that “FBI supervisors are responsible for the well-being of FBI personnel and addressing alcohol problems in the workplace” and are responsible for “referring [those who violate the policy] to EAP.”

During an administrative search by the FBI of [REDACTED] office, two bottles of wine and an empty box of Glenlivet Scotch were found under his desk, and a full bottle of whiskey as well as a small bottle of liquor were located on his bookshelf. In addition, a metal briefcase that contained “rocks” style drinking glasses was observed next to his desk and three twelve-ounce bottles of beer were discovered in [REDACTED] miniature refrigerator. Lastly, shot glasses, “rocks” style glasses, two decanters, and one bottle of gin were discovered in [REDACTED] desk drawer. The FBI notified the OIG about the results of the FBI’s administrative search.

[REDACTED] told the OIG that he “was on the premises [of his] FBI office, and [that he] consumed alcohol.” He told the OIG that he did so for “either liaison purposes with foreign [counterparts] or components of the military, or with [his] supervisors for a team building psychological safety type of environment.” [REDACTED] explained that “very often on a Friday” he would have a “close out” meeting with the supervisors that he managed. He stated that at the close of the meetings, his office door would be shut and he would tell the supervisors that they were “in the trust tree,” and offer all of them a “single malt scotch.” According to [REDACTED] the supervisors who were not returning to work would accept the drink and they would all drink the scotch together and then have the supervisors make any comments regarding his leadership or issues associated with work. [REDACTED] told the OIG that he was attempting to put him and his supervisors on the same level, so that they would be comfortable speaking openly with him. [REDACTED] told the OIG that these “close out” meetings where he and his supervisors drank scotch occurred two to three times a month.

The OIG spoke to [REDACTED] subordinates who attended the meetings. All of them told the OIG that they attended the Friday “close out” meetings and that [REDACTED] served alcohol at the end of those meetings.

All of them stated that alcohol was served at the meetings every two to six weeks.

██████████ told the OIG that on more than four occasions he drank alcohol in his FBI office with foreign law enforcement officials and members of the United States military.

The OIG asked ██████████ if anyone in the FBI gave him permission to consume alcohol in FBI space. ██████████ responded “not in written format.”

### *OIG’s Conclusion*

The OIG concluded that ██████████ regularly consumed alcohol and provided alcohol to subordinates and visitors in his FBI office as alleged, and that his actions constituted administrative misconduct in violation of FBI Human Resources Division 0358PG, “FBI Alcohol Policy Guide,” FBI Policy Directive 0959D, and 41 C.F.R. § 102-74.405. The OIG found no evidence that ██████████ had authority or permission to engage in such conduct. We further noted that, as a supervisor, ██████████ had specific responsibility to ensure that the policy was followed by his subordinates; instead, ██████████ initiated and engaged in a regular violation of the policy with his subordinates.

