

~~LIMITED OFFICIAL USE~~


DEPARTMENT OF JUSTICE | OFFICE OF THE INSPECTOR GENERAL

REPORT OF INVESTIGATION

SUBJECT (b)(6); (b)(7)(C) Chief Deputy U.S. Marshal (retired) (b)(6); (b)(7)(C)		CASE NUMBER 2021-009378
OFFICE CONDUCTING INVESTIGATION New York Field Office		DOJ COMPONENT United States Marshals Service
DISTRIBUTION <input checked="" type="checkbox"/> Field Office NYFO <input checked="" type="checkbox"/> AIGINV <input checked="" type="checkbox"/> Component USMS <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 an anonymous complaint submitted to the U.S. Marshals Service (USMS), Office of Professional Responsibility (OPR), alleging that (b)(6); (b)(7)(C) sexually harassed USMS Intern (b)(6); (b)(7)(C) and that Chief Deputy U.S. Marshal (b)(6); (b)(7)(C) failed to report an allegation that (b)(6); (b)(7)(C) harassed (b)(6); (b)(7)(C) that (b)(6); (b)(7)(C) received. (b)(6); (b)(7)(C)

DATE July 7, 2023 (b)(6); (b)(7)(C)	SIGNATURE (b)(6); (b)(7)(C)
PREPARED BY SPECIAL AGENT	
DATE July 7, 2023 Ryan T. Geach	SIGNATURE 
APPROVED BY SPECIAL AGENT IN CHARGE	Digitally signed by RYAN GEACH Date: 2023.07.07 15:36:05 -04'00'

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).

~~LIMITED OFFICIAL USE~~



~~LIMITED OFFICIAL USE~~

The OIG investigation substantiated the allegations (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) that (b)(6); (b)(7)(C) failed to appropriately report an allegation that (b)(6); (b)(7)(C) harassed (b)(6); (b)(7)(C) that (b)(6); (b)(7)(C) received. (b)(6); (b)(7)(C)

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

(b)(6); (b)(7)(C) told the OIG that she had participated in a USMS summer internship program from approximately (b)(6); (b)(7)(C) and was subjected to repeated and unwanted attempts by (b)(6); (b)(7)(C) to spend time with her outside of program hours that included text messages sent to her personal cell phone after work hours and on the weekend from his personal cell phone. She also said that (b)(6); (b)(7)(C) touched her shoulder or back while speaking with her, and that she would hunch over or move backward to minimize the physical contact, and to indicate to (b)(6); (b)(7)(C) that the contact was physically uncomfortable for her. (b)(6); (b)(7)(C) made other advances toward (b)(6); (b)(7)(C) that were unwelcomed, such as giving her a private tour of his office, insisting to hold her purse while she participated in a group exercise, offering to teach her how to drive on the weekend, and offering to take her out for dinner at restaurants near her house. (b)(6); (b)(7)(C) told the OIG that she notified her chain of command about her uncomfortable interactions with (b)(6); (b)(7)(C)

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

Three witnesses told the OIG that they met with (b)(6); (b)(7)(C) and that she made them aware of (b)(6); (b)(7)(C) conduct toward her. (b)(6); (b)(7)(C) told the witnesses that she wanted to elevate the matter to a higher level, and they agreed to bring the allegation to (b)(6); (b)(7)(C) attention.

In a voluntary interview, (b)(6); (b)(7)(C) denied that he failed to properly report (b)(6); (b)(7)(C) allegation against (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) acknowledged that he had not reported the allegation and told the OIG he had not done so because he did not believe that the conduct rose to the level of misconduct. (b)(6); (b)(7)(C) told the OIG that he only viewed two or three text messages exchanged between (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) and he immediately met with (b)(6); (b)(7)(C) and instructed him not to talk with (b)(6); (b)(7)(C) or have any further contact with her, which (b)(6); (b)(7)(C) said was his effort to resolve the matter. (b)(6); (b)(7)(C) further stated that he was not aware of any offers by (b)(6); (b)(7)(C) to teach (b)(6); (b)(7)(C) how to drive or to go out to eat with him; (b)(6); (b)(7)(C) indicated that, had he been aware of those offers, he would have reported that conduct to USMS OPR. (b)(6); (b)(7)(C)

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

~~LIMITED OFFICIAL USE~~



~~LIMITED OFFICIAL USE~~

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

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

retired from his position at the USMS effective

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

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

~~LIMITED OFFICIAL USE~~



~~LIMITED OFFICIAL USE~~
ADDITIONAL SUBJECTS

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



~~LIMITED OFFICIAL USE~~
DETAILS OF INVESTIGATION

Predication

The Department of Justice (DOJ) Office of the Inspector General (OIG) initiated this investigation upon the receipt of an anonymous complaint submitted to the U.S. Marshals Service (USMS), Office of Professional Responsibility (OPR), alleging that (b)(6); (b)(7)(C) sexually harassed USMS Intern (b)(6); (b)(7)(C) and that Chief Deputy U.S. Marshal (b)(6); (b)(7)(C) failed to report an allegation that (b)(6); (b)(7)(C) harassed (b)(6); (b)(7)(C) that (b)(6); (b)(7)(C) received. (b)(6); (b)(7)(C)

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

Investigative Process

The OIG's investigative efforts consisted of the following:

Interviews of the following USMS personnel:

- (b)(6); (b)(7)(C)
-
-
-
-
-
-
-
- (b)(6); (b)(7)(C) Chief Deputy U.S. Marshal
- (b)(6); (b)(7)(C)

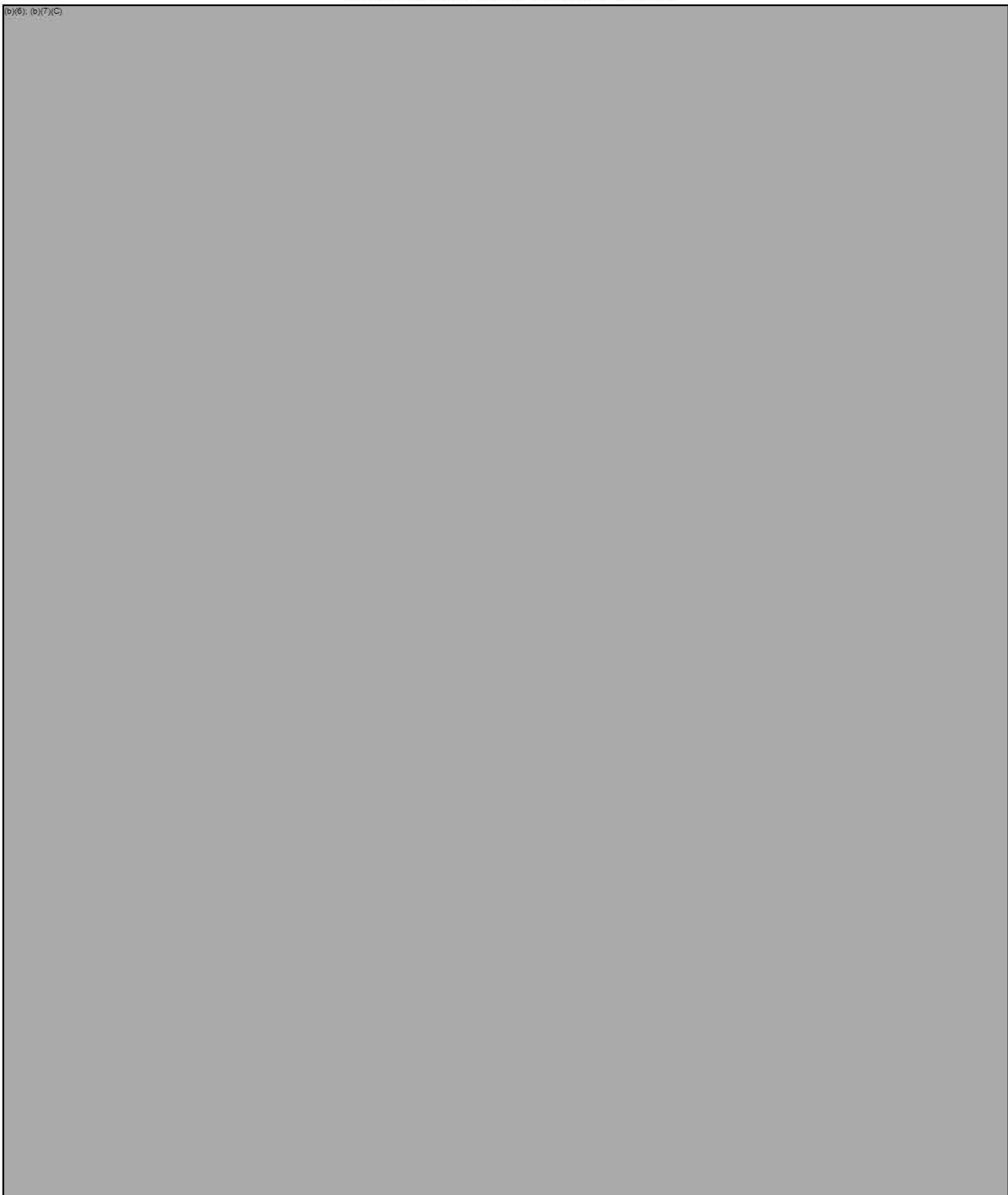
Review of the following:

- Text messages provided by (b)(6); (b)(7)(C)
- Text messages and emails provided by (b)(6); (b)(7)(C)
- Text messages provided by (b)(6); (b)(7)(C)
- (b)(6); (b)(7)(C)
-



~~LIMITED OFFICIAL USE~~

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

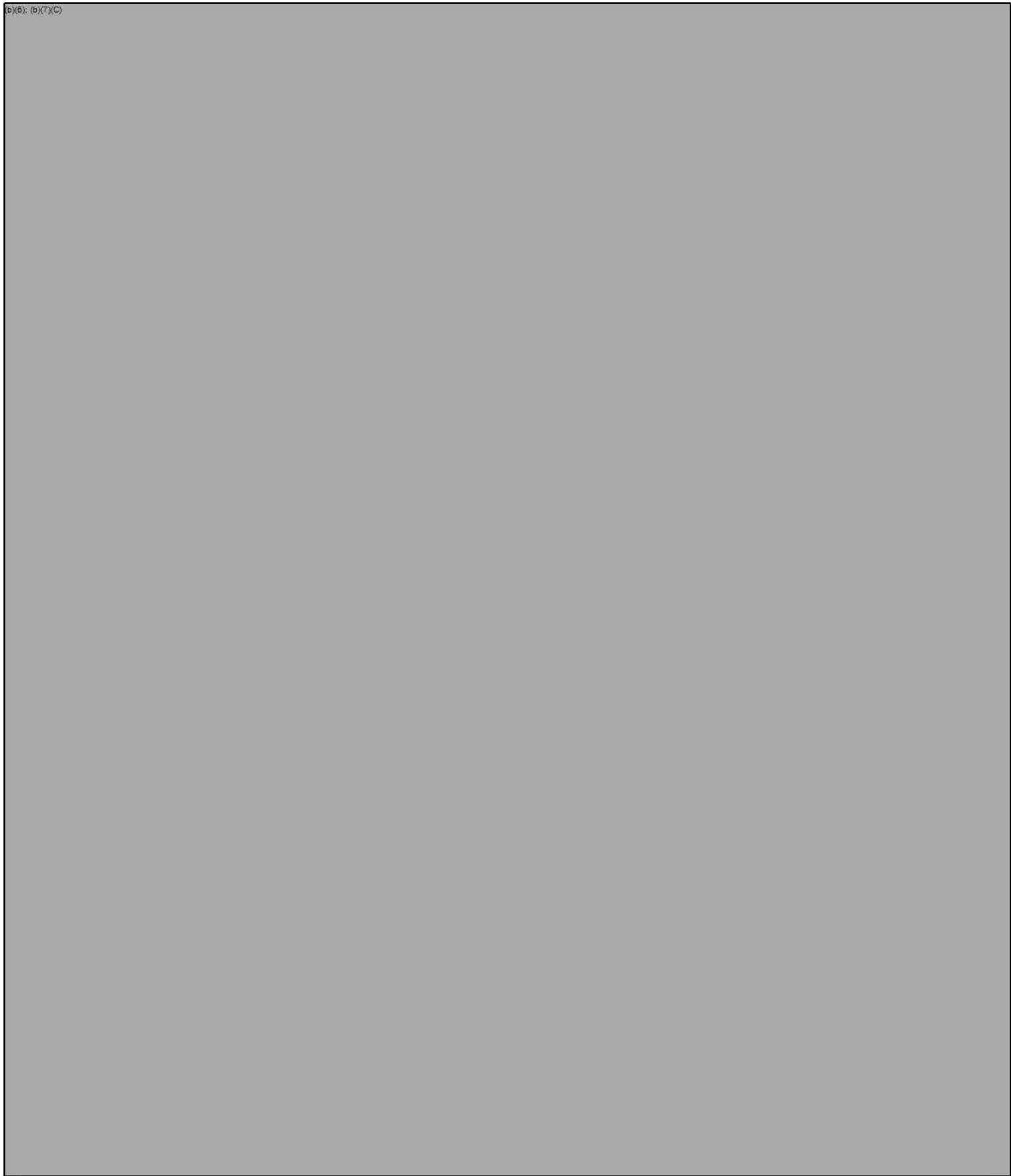


~~LIMITED OFFICIAL USE~~



~~LIMITED OFFICIAL USE~~

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



~~LIMITED OFFICIAL USE~~



~~LIMITED OFFICIAL USE~~

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

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

(b)(6); (b)(7)(C) informed the OIG that (b)(6); (b)(7)(C) showed (b)(6); (b)(7)(C) text messages (b)(6); (b)(7)(C). According to (b)(6); (b)(7)(C) he asked (b)(6); (b)(7)(C) if she wanted him to talk to (b)(6); (b)(7)(C) and tell him to "cut it out" or if she wanted to file a formal complaint. (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) that she wanted to "take it higher," so he told (b)(6); (b)(7)(C) that he would talk to (b)(6); (b)(7)(C) and report back. (b)(6); (b)(7)(C) told the OIG that he notified (b)(6); (b)(7)(C) the next morning and they both met with (b)(6); (b)(7)(C) the next time she was in. (b)(6); (b)(7)(C) told the OIG that during their meeting with (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) gave (b)(6); (b)(7)(C) the choice between sending the allegation "down (b)(6); (b)(7)(C) or for (b)(6); (b)(7)(C) to handle it himself by speaking with (b)(6); (b)(7)(C) to make the behavior stop. (b)(6); (b)(7)(C) stated that (b)(6); (b)(7)(C) was "content and satisfied at the time that (b)(6); (b)(7)(C) would take care of it."

In a voluntary interview, (b)(6); (b)(7)(C) told the OIG that he became aware of the situation with (b)(6); (b)(7)(C) when (b)(6); (b)(7)(C) told him that one of the interns might have received some inappropriate communications from (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) said that he met with (b)(6); (b)(7)(C) and she told him that she received several text messages over the weekend from (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) asked (b)(6); (b)(7)(C) to show him the text messages, and he saw language such as "how are you doing, what's going on this weekend, and did you get to read the book we discussed." (b)(6); (b)(7)(C) told the OIG that he did not see anything sexual in nature.

(b)(6); (b)(7)(C) said that he asked (b)(6); (b)(7)(C) why she felt uncomfortable about the text messages and (b)(6); (b)(7)(C) told him that she did not think (b)(6); (b)(7)(C) should be contacting her after hours. According to (b)(6); (b)(7)(C) he told (b)(6); (b)(7)(C) that he was "going to make sure that he never contacts you again." (b)(6); (b)(7)(C) said that after viewing the text messages, he asked (b)(6); (b)(7)(C) if there were any other things that occurred that made her uncomfortable, to which (b)(6); (b)(7)(C) replied, "No." (b)(6); (b)(7)(C) told the OIG that (b)(6); (b)(7)(C) never mentioned any other interactions between her and (b)(6); (b)(7)(C) and, more specifically, (b)(6); (b)(7)(C) was unaware of (b)(6); (b)(7)(C) offers to teach (b)(6); (b)(7)(C) how to drive or to take her out to eat.

(b)(6); (b)(7)(C) told the OIG that, after the meeting with (b)(6); (b)(7)(C) went to speak with (b)(6); (b)(7)(C) and asked him about the text messages he sent to (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) said that (b)(6); (b)(7)(C) acknowledged sending the text messages and showed them to (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) said that he directed (b)(6); (b)(7)(C) to stop and told him, "Don't talk to her anymore or have any contact with her going forward," and that (b)(6); (b)(7)(C) replied, "No problem...I won't."

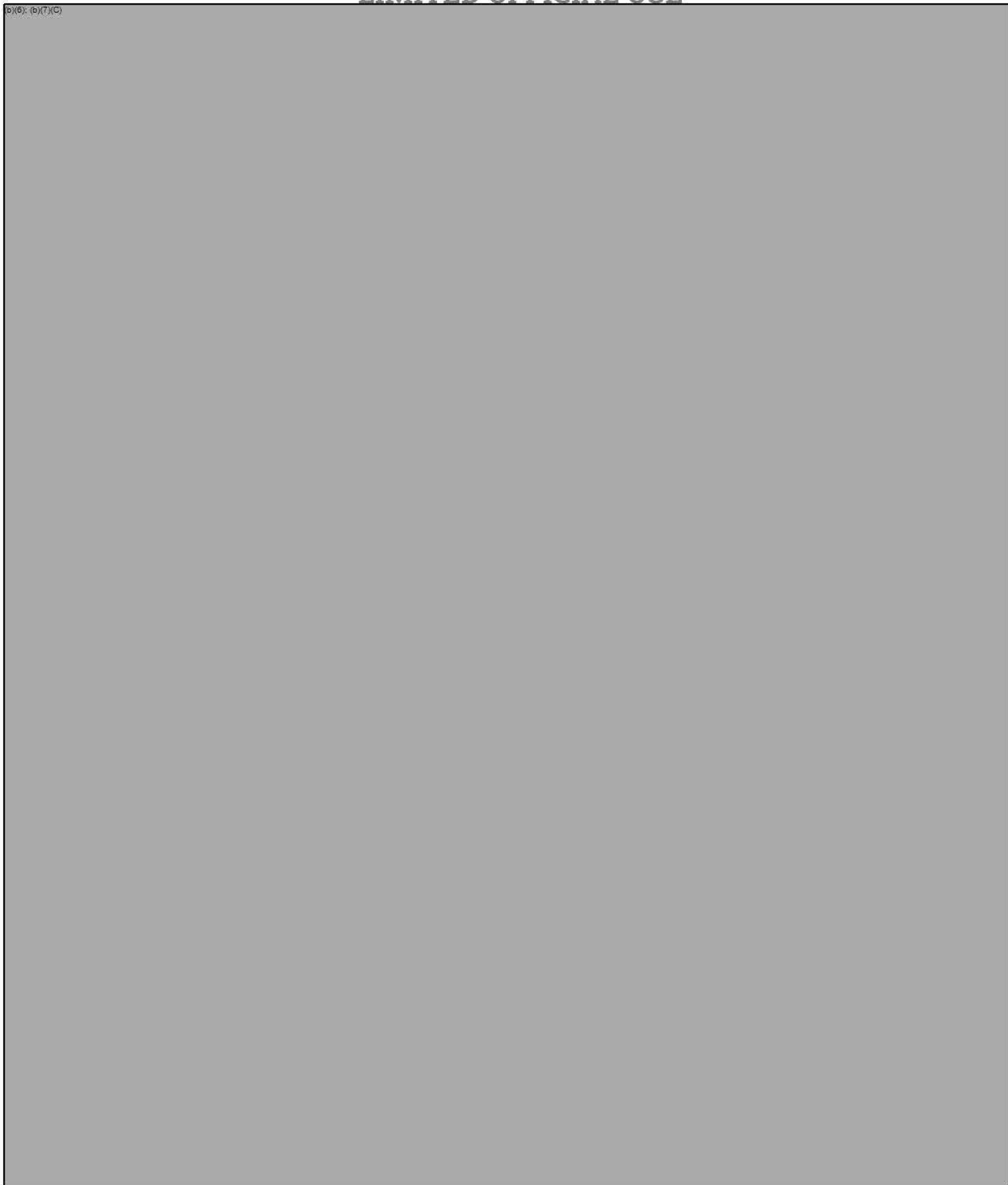
(b)(6); (b)(7)(C)

~~LIMITED OFFICIAL USE~~



~~LIMITED OFFICIAL USE~~

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



~~LIMITED OFFICIAL USE~~



~~LIMITED OFFICIAL USE~~

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

(b)(6); (b)(7)(C) Failed to Report (b)(6); (b)(7)(C) Alleged Sexual Harassment of (b)(6); (b)(7)(C)

The information provided to the OIG alleged that (b)(6); (b)(7)(C) failed to report (b)(6); (b)(7)(C) alleged sexual harassment of

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

The Memorandum for Heads of Department Components: "Sexual Harassment and Sexual Misconduct," dated April 30, 2018, states that "Managers or other component-identified points of contact who receive an allegation of sexual harassment or misconduct must report the allegation to a designated management official."

USMS Policy Directive, 2.3, Misconduct Investigations, dated October 7, 2020, states that USMS supervisors and managers are required to "immediately report all allegations of misconduct to [Office of Professional Responsibility, Internal Affairs (OPR-IA)] and DOJ-OIG" and further states, "If an employee reports an allegation of misconduct to an appropriate management official in the first instance, the management official shall evaluate whether the allegation is a misconduct issue, and, if so, shall report it to OPR-IA or DOJ-OIG."

USMS Policy Directive, Human Resources, 3.40, Discipline and Adverse Actions, states that USMS supervisors and managers are required to "[i]nitiate action by promptly reporting, through channels, to the Office of Internal Affairs alleged infractions of statutes or regulations or other misconduct that may warrant discipline."

USMS Policy Directive, General Management, 1.14, Equal Employment Opportunity, dated March 19, 2010, under the procedures for reporting harassment, states that "[a]ny employee who believes that he or she has been subjected to harassment based on race, color, gender, religion, national origin, age, physical or mental disability, reprisal for protected [equal employment opportunity (EEO)] activity, sexual orientation, and/or status as a parent should report the incident(s) to his or her supervisor for resolution, or to an EEO counselor." The directive further provides: "The supervisor or EEO counselor will make immediate and constructive attempts to resolve the matter. A prompt, fair, and thorough investigation into a charge of harassment will be made. In addition, allegations of harassment on the above bases will be referred to the Office of Inspection (OI) for investigation as a matter of misconduct. Supervisors or managers who condone or fail to promptly correct this harassment will be subject to disciplinary action."

~~LIMITED OFFICIAL USE~~

~~LIMITED OFFICIAL USE~~

USMS Guidance, Table of Disciplinary Offenses and Penalties, lists the offense of “[f]ailure to report misconduct related issues through the chain of command or to the office of internal investigations in a timely fashion.”

In a voluntary interview, (b)(6); (b)(7)(C) told the OIG that (b)(6); (b)(7)(C) reported to him that one of the interns might have received inappropriate communications from (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) met with (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) told him that she received several texts from (b)(6); (b)(7)(C) on the weekend, and then showed him “two or three texts” on her phone. (b)(6); (b)(7)(C) said that the texts contained language such as “how are you doing?” and “what’s going on this weekend?” (b)(6); (b)(7)(C) also remembered reading a text from (b)(6); (b)(7)(C) asking (b)(6); (b)(7)(C) if she had read a book that she and (b)(6); (b)(7)(C) had discussed. (b)(6); (b)(7)(C) stated that he thought the text messages from (b)(6); (b)(7)(C) were “innocuous” and “very, very general,” and that he did not observe anything sexual in nature.

When (b)(6); (b)(7)(C) asked (b)(6); (b)(7)(C) why she felt uncomfortable, he recalled her saying, “I don’t think he should be contacting me after hours.” (b)(6); (b)(7)(C) noted that (b)(6); (b)(7)(C) “never brought up anything sexual,” and that he asked (b)(6); (b)(7)(C) if she was experiencing anything else uncomfortable with (b)(6); (b)(7)(C) and that she stated “no.” According to (b)(6); (b)(7)(C) he told (b)(6); (b)(7)(C) “After we leave here, I’m going to go speak with (b)(6); (b)(7)(C). And I’m going to tell him never to reach out for [sic] you and talk to you again.” (b)(6); (b)(7)(C) said that after he told (b)(6); (b)(7)(C) that it was not going to happen again, “she was agreeable to that.”

(b)(6); (b)(7)(C) told the OIG that after the meeting with (b)(6); (b)(7)(C) he immediately went to see (b)(6); (b)(7)(C) and asked if he texted (b)(6); (b)(7)(C) over the weekend, and (b)(6); (b)(7)(C) said that he did text her. (b)(6); (b)(7)(C) asked to see the texts, and (b)(6); (b)(7)(C) showed them. (b)(6); (b)(7)(C) said, “Are you an idiot?” “You know they could be misconstrued, right?” (b)(6); (b)(7)(C) told the OIG that he went on to explain that (b)(6); (b)(7)(C) was uncomfortable that he had reached out to her on her off hours. According to (b)(6); (b)(7)(C) face changed as he realized the perception. (b)(6); (b)(7)(C) went on to tell (b)(6); (b)(7)(C) “You’re in a position of authority...it doesn’t really look good to be texting people. Even (b)(6); (b)(7)(C) on the weekend.” (b)(6); (b)(7)(C) stated that he told (b)(6); (b)(7)(C) not to talk to (b)(6); (b)(7)(C) anymore or have any contact with her going forward. (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) that he would stop all contact with (b)(6); (b)(7)(C). According to (b)(6); (b)(7)(C) he also addressed the fact that (b)(6); (b)(7)(C) used his personal cell phone to communicate with (b)(6); (b)(7)(C). According to (b)(6); (b)(7)(C) told him that he “made a mistake.”

(b)(6); (b)(7)(C) told the OIG that (b)(6); (b)(7)(C) never reported any allegations regarding (b)(6); (b)(7)(C) offering to teach her how to drive or asking her out to eat and that she only showed him a few texts she received from (b)(6); (b)(7)(C). (b)(6); (b)(7)(C) told the OIG that if (b)(6); (b)(7)(C) reported those specific allegations, “I would have said...that’s sexual harassment. That’s really stepping across the line. She never brought up that teaching me how to drive or any of that stuff. That never came out.” (b)(6); (b)(7)(C) denied that he discouraged (b)(6); (b)(7)(C) from reporting allegations against (b)(6); (b)(7)(C) any further. (b)(6); (b)(7)(C) said if those allegations were brought to his attention, “that would have changed the whole scenario” and he would have reported it to internal affairs as alleged sexual harassment.

According to (b)(6); (b)(7)(C) he followed up at least twice with (b)(6); (b)(7)(C) after she reported the communications with (b)(6); (b)(7)(C) and she indicated that all was going well and reported no further complaints.

OIG’s Conclusion

The OIG substantiated the allegation that (b)(6); (b)(7)(C) failed to report (b)(6); (b)(7)(C) alleged sexual harassment of (b)(6); (b)(7)(C) and his failure to do so constituted administrative misconduct in violation of the Department’s policy on reporting allegations of sexual harassment and USMS’s policy directives on reporting allegations of misconduct—USMS Policy Directives, General Management, 1.14, Equal Employment Opportunity; 2.3, Misconduct Investigations;



~~LIMITED OFFICIAL USE~~

Human Resources, 3.40, Discipline and Adverse Actions—and USMS Guidance, Table of Disciplinary Offenses and Penalties. The OIG concluded that the allegation that (b)(6); (b)(7)(C) received was an allegation of sexual harassment, which is misconduct, and, thus, required reporting. In concluding that (b)(6); (b)(7)(C) failed to report an allegation of misconduct that he received, the OIG considered what information (b)(6); (b)(7)(C) received and the facts and circumstances surrounding his receipt of that information. (b)(6); (b)(7)(C) allegation that (b)(6); (b)(7)(C) received was a first-hand account of an allegation of conduct prohibited by the Department's zero tolerance policy on sexual harassment and USMS's policies. Before meeting with (b)(6); (b)(7)(C) understood from the initial report to him that an intern might have received inappropriate communications from (b)(6); (b)(7)(C). Further, from his meeting with (b)(6); (b)(7)(C) he understood that an intern was made uncomfortable by personal after-hour text messages sent from a (b)(6); (b)(7)(C) employee—(b)(6); (b)(7)(C)—on his personal cell phone to the intern, who had reported the conduct to her supervisors soon after it occurred. Regardless of whether (b)(6); (b)(7)(C) only recalled during his OIG interview that (b)(6); (b)(7)(C) showing him a few texts that were "innocuous" and "very, very general, (b)(6); (b)(7)(C) should have understood under these circumstances that he had received was a misconduct allegation that had to be reported. That (b)(6); (b)(7)(C) recalled telling (b)(6); (b)(7)(C) "Are you an idiot?" after (b)(6); (b)(7)(C) showed him the texts and that (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) that he would tell (b)(6); (b)(7)(C) to not have any contact with her suggests that (b)(6); (b)(7)(C) knew or should have known the seriousness of the allegation that he had received. Although (b)(6); (b)(7)(C) made immediate and constructive attempts to resolve the matter, (b)(6); (b)(7)(C) an experienced, senior official, should have also immediately referred (b)(6); (b)(7)(C) complaints for a prompt, fair, and thorough investigation instead of making the unilateral decision that (b)(6); (b)(7)(C) alleged behavior did not rise to the level of misconduct that must be reported.

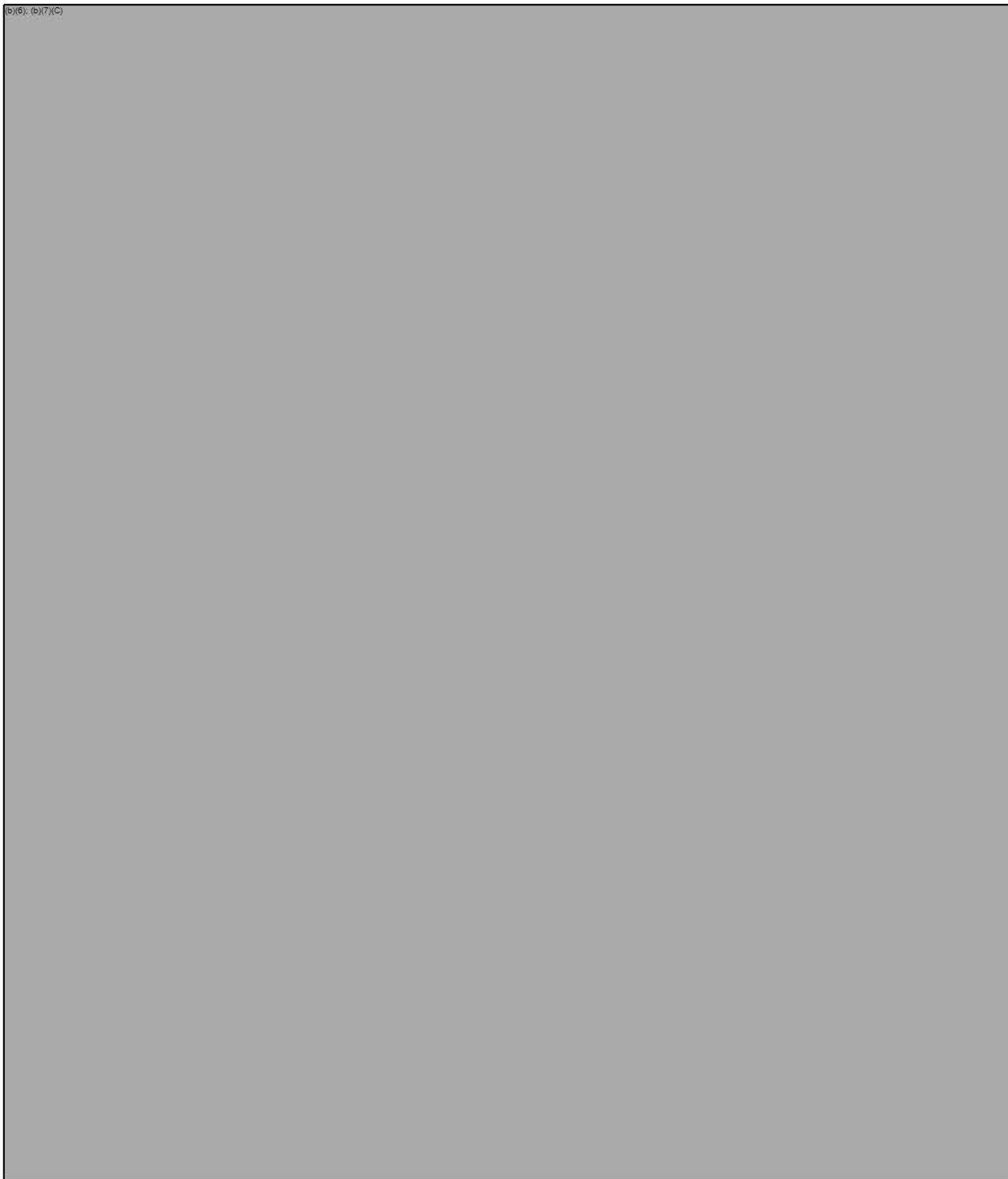
(b)(6); (b)(7)(C)

~~LIMITED OFFICIAL USE~~



~~LIMITED OFFICIAL USE~~

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

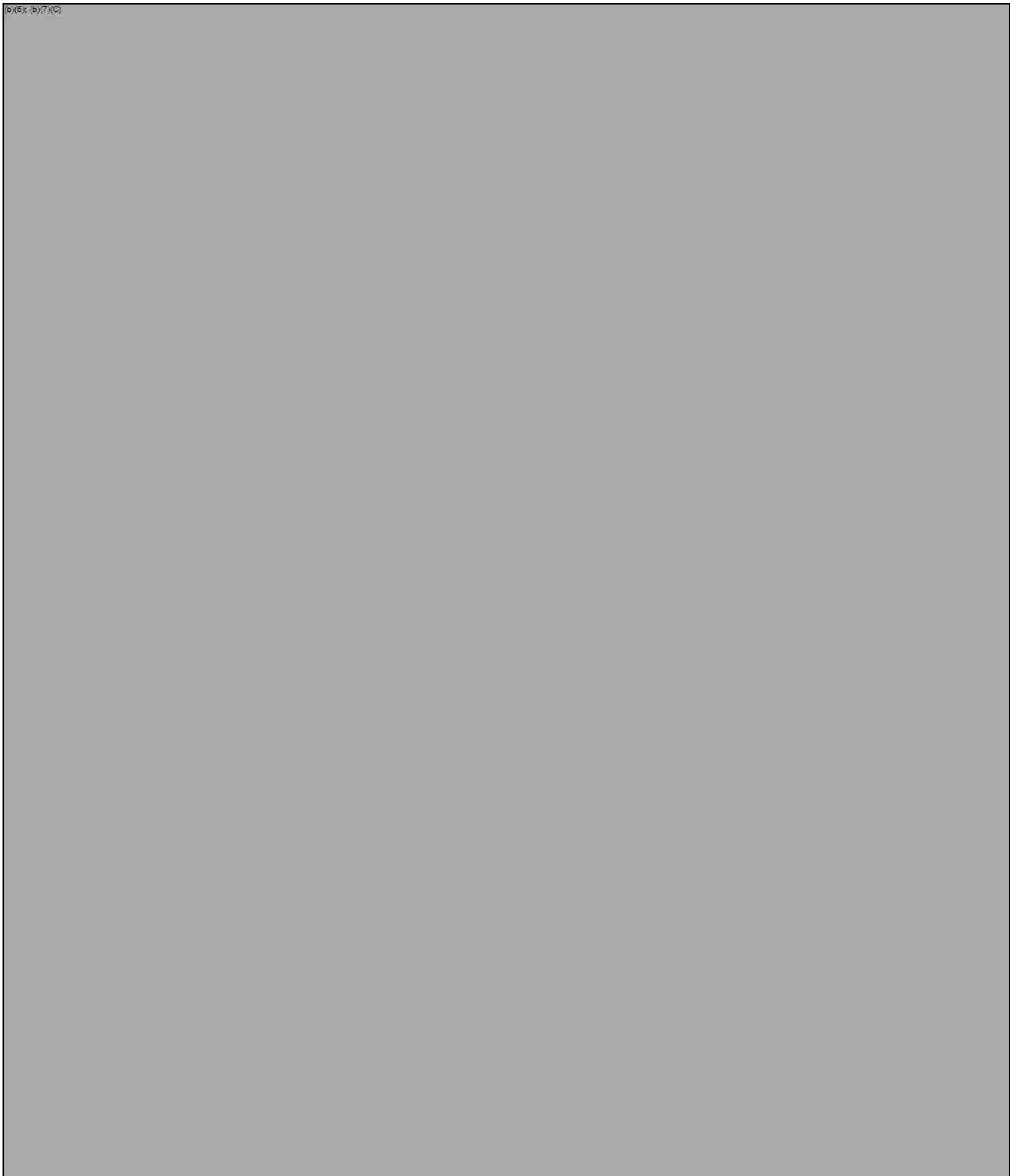


~~LIMITED OFFICIAL USE~~



~~LIMITED OFFICIAL USE~~

(b)(5); (b)(7)(C)



~~LIMITED OFFICIAL USE~~



~~LIMITED OFFICIAL USE~~

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

~~LIMITED OFFICIAL USE~~



~~LIMITED OFFICIAL USE~~

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

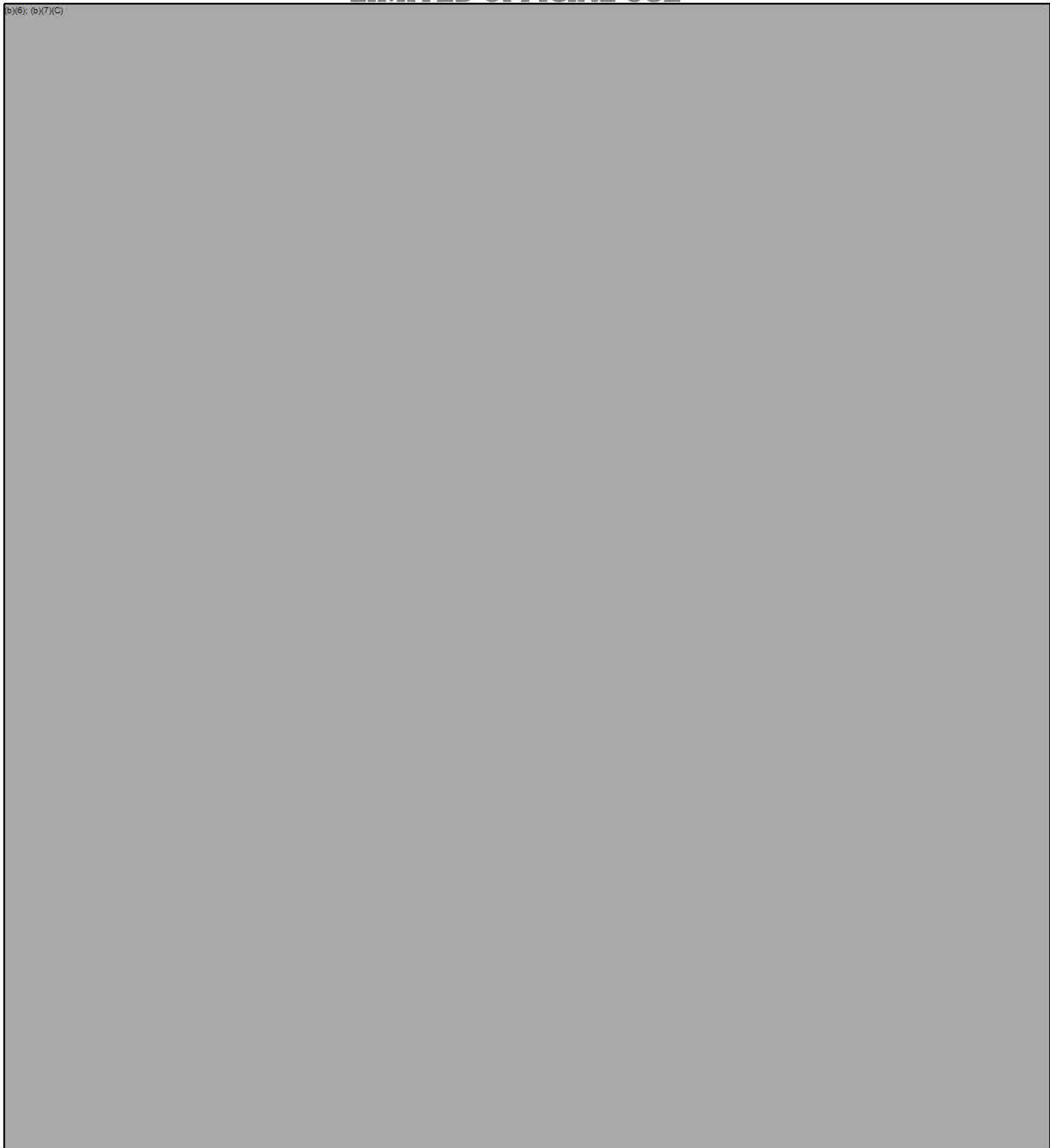


~~LIMITED OFFICIAL USE~~



~~LIMITED OFFICIAL USE~~

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



~~LIMITED OFFICIAL USE~~