



LIMITED OFFICIAL USE

DEPARTMENT OF JUSTICE | OFFICE OF THE INSPECTOR GENERAL

REPORT OF INVESTIGATION

SUBJECT		CASE NUMBER	
(b)(6); (b)(7)(C) Assistant United States Attorney (former) (b)(6); (b)(7)(C)		2020-015837	
OFFICE CONDUCTING INVESTIGATION		DOJ COMPONENT	
Chicago Office		Executive Office for United States Attorneys	
DISTRIBUTION		STATUS	
<input checked="" type="checkbox"/> Region MWR		<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 PMRU			

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 then-Assistant United States Attorney (AUSA) (b)(6); (b)(7)(C) was arrested by police officers from the (b)(6); (b)(7)(C) Police Department for alleged (b)(6); (b)(7)(C) assault (b)(6); (b)(7)(C) and attempted to misuse his position as an AUSA by identifying himself as a federal prosecutor in an attempt to influence the police officers and to avoid arrest during (b)(6); (b)(7)(C) interaction with the police officers responding to a 911 call (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)

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

The OIG investigation substantiated the allegation that (b)(6); (b)(7)(C) attempted to misuse his AUSA position during his interaction with police officers (b)(6); (b)(7)(C)

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

DATE	November 21, 2023	SIGNATURE	(b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)			
PREPARED BY SPECIAL AGENT		SIGNATURE	WILLIAM HANNAH 2023.11.21 15:13:35 -06'00'
DATE	November 21, 2023		
William Hannah			
APPROVED BY SPECIAL AGENT IN CHARGE			

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

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

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

Police Department police officers

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

and police cadet

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

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

told the OIG that, on

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

when they responded to a

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

call

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

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

attempted to avoid being arrested by identifying himself as a

federal prosecutor and threatening to sue them.

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

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

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

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

said

that he did not consider (b)(6); (b)(7)(C) statements to the police threatening or intimidating but surmised that (b)(6); (b)(7)(C) was trying to convince the officers not to arrest him. (b)(6); (b)(7)(C) believed (b)(6); (b)(7)(C) statements were unprofessional (b)(6); (b)(7)(C)

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

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

stated that the dismissal was not due to

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

position,

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

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

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

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

LIMITED OFFICIAL USE



LIMITED OFFICIAL USE

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

(b)(6); (b)(7)(C) resigned (b)(6); (b)(7)(C) prior to being contacted by the OIG for an interview. When later contacted by the OIG, (b)(6); (b)(7)(C) declined to be interviewed. 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 Department employees, including those who retire or resign during the course of an OIG investigation.

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

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

(b)(6); (b)(7)(C) voluntarily resigned from his position (b)(6); (b)(7)(C) effective (b)(6); (b)(7)(C)

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

LIMITED OFFICIAL USE



~~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 information from the Executive Office for United States Attorneys (EOUSA) alleging that then-Assistant United States Attorney (AUSA) [REDACTED] was arrested by police officers from the [REDACTED] Police Department for alleged [REDACTED] assault [REDACTED]

[REDACTED] and attempted to misuse his position as an AUSA by identifying himself as a federal prosecutor in an attempt to influence the police officers and to avoid arrest during [REDACTED] interaction with the police officers responding to a 911 call [REDACTED]

[REDACTED]

Investigative Process

The OIG's investigative efforts consisted of the following:

Interviews of the following personnel in the [REDACTED]:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Interviews of the following FBI and EOUSA personnel:

- [REDACTED]
- [REDACTED]

Interviews of the following [REDACTED] Police Department and [REDACTED] personnel:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Interviews of the following individuals:

- [REDACTED]
- [REDACTED]

Review of the following:

- [REDACTED]
- [REDACTED]
- [REDACTED]

~~LIMITED OFFICIAL USE~~

LIMITED OFFICIAL USE

Attempt to Misuse his AUSA Position Following Alleged Assault

The information provided to the OIG alleged that [REDACTED] was arrested for [REDACTED] assault [REDACTED] and attempted to misuse his position as an AUSA during his interaction with police officers from the [REDACTED] Police Department.

The Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. § 2635.702, prohibit employees from using their public office for private gain. The regulations further provide: "An employee shall not use . . . 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 . . ." 5 C.F.R. § 2635.702(a).

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."

In response to a 911 call [REDACTED] police officers from the [REDACTED] Police Department responded to a [REDACTED] incident involving [REDACTED] which resulted in [REDACTED] arrest for [REDACTED] assault. [REDACTED]

[REDACTED] The report states that [REDACTED] was advised that he was under arrest for [REDACTED] assault and handcuffed. The report also states that [REDACTED] became angry and told [REDACTED] "multiple times he was a U.S. District attorney and he was going to, 'Sue us.'" [REDACTED]

[REDACTED] Police Department police officers [REDACTED] and police cadet [REDACTED] told the OIG that [REDACTED] attempted to avoid being arrested by identifying himself as a federal prosecutor and threatening to sue them. [REDACTED] told the OIG that [REDACTED] introduced himself as a federal prosecutor and identified a high profile case in [REDACTED] that he had prosecuted. [REDACTED] said that he "definitely felt a little bit of the threats to give him a break on this one." When asked how many times before he got to jail that [REDACTED] identified himself as a federal prosecutor, [REDACTED] explained, "Well I mean he actually was saying - he probably only told us he was a federal prosecutor a couple times, I mean one time to two times. I mean after that we acknowledged that okay I understand who you are. And I don't, he kind of got away from that. And just went to the more direct I am going to sue you. Asking questions about what we were arresting them for. We wanted the probable cause. So yeah I mean he didn't really continue on with I am a federal prosecutor multiple times." [REDACTED] indicated that [REDACTED] eventually stopped threatening and became more friendly, trying a "[h]ey bud we're on the same team kind of thing." [REDACTED] explained, "It was more of he wanted to be my buddy kind of a thing. . . . More of a hey we do the same thing. He kind of went into that more than hey I am going to you know [sic] I am going to use the word fuck. I'll fucking sue you guys. I'm going to fucking sue you guys. That was when

LIMITED OFFICIAL USE



LIMITED OFFICIAL USE

(b)(6); (b)(7)(C) indicated (b)(6); (b)(7)(C) "never really stopped with the come on you can give me a break this one time" on the scene and while being transported. (b)(6); (b)(7)(C)

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

(b)(6); (b)(7)(C) told the OIG that (b)(6); (b)(7)(C) kept saying that we were on the same team, that we worked together, because he's a Prosecutor, and, you know, that he shouldn't be arrested for what had happened there today." (b)(6); (b)(7)(C) estimated in his interview that there were seven or eight times that (b)(6); (b)(7)(C) said they were on the same team and they should not be arresting him. (b)(6); (b)(7)(C) further explained, "He kept saying, come on, guys, we're on the same team. You know, he then got a little angry once, you know, we were telling him that he was going to be arrested, and he pulled out his phone and said, well, I'm going to start recording, and make this a tough time for you guys. I could be a dick if you guys are going to be a dick." (b)(6); (b)(7)(C) told the OIG that, although (b)(6); (b)(7)(C) took out his cell phone, he did not start recording. When asked if (b)(6); (b)(7)(C) perceived what (b)(6); (b)(7)(C) was doing as trying to intimidate or threaten him, (b)(6); (b)(7)(C) responded, "I feel like he was trying to use his position a little bit to get out of the arrest, on that day."

(b)(6); (b)(7)(C) told the OIG that (b)(6); (b)(7)(C), following (b)(6); (b)(7)(C) arrest on (b)(6); (b)(7)(C). According to (b)(6); (b)(7)(C) he received a voicemail from (b)(6); (b)(7)(C) asking about (b)(6); (b)(7)(C) arraignment, but (b)(6); (b)(7)(C) never spoke to her. (b)(6); (b)(7)(C) said he did not consider (b)(6); (b)(7)(C) statements to the police threatening or intimidating but surmised that (b)(6); (b)(7)(C) was trying to convince the officers not to arrest him. (b)(6); (b)(7)(C) believed (b)(6); (b)(7)(C) statements were unprofessional (b)(6); (b)(7)(C)

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

(b)(6); (b)(7)(C) reiterated that the dismissal was not due to (b)(6); (b)(7)(C) position, (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)

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

(b)(6); (b)(7)(C) Subsequent to (b)(6); (b)(7)(C) arrest (b)(6); (b)(7)(C) became aware that (b)(6); (b)(7)(C) was a federal prosecutor, who had handled high profile cases, but (b)(6); (b)(7)(C) told the OIG that he did not receive any pressure from (b)(6); (b)(7)(C) or anyone else to dismiss the case.

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

LIMITED OFFICIAL USE



LIMITED OFFICIAL USE

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

(b)(6); (b)(7)(C) resigned prior to being contacted by the OIG for an interview. When later contacted by the OIG, (b)(6); (b)(7)(C) declined to be interviewed. 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 Department employees, including those who retire or resign during the course of an OIG investigation.

During the course of the OIG's investigation, (b)(6); (b)(7)(C) did not dispute he made the statements to the police officers set forth (b)(6); (b)(7)(C). He explained that he did not dispute the statements because he did not remember what was said (b)(6); (b)(7)(C)

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

OIG's Conclusion

The OIG investigation substantiated the allegation that (b)(6); (b)(7)(C) violated 5 C.F.R. § 2635.702 by attempting to misuse his official position in a manner that was intended to induce local police officers to provide him a benefit. (b)(6); (b)(7)(C) attempted to misuse his position as an AUSA by identifying himself as a federal prosecutor in an attempt to influence police officers and to avoid arrest during (b)(6); (b)(7)(C) interaction with the police officers responding to a 911 call at (b)(6); (b)(7)(C) following a (b)(6); (b)(7)(C) incident between (b)(6); (b)(7)(C). Both responding police officers told the OIG that (b)(6); (b)(7)(C) indicated to them he was a federal prosecutor early in their interactions with him. This conduct was an attempt to use a public office, position, or title in a manner that was intended to induce another person to provide a benefit within the meaning of 5 C.F.R. § 2635.702.

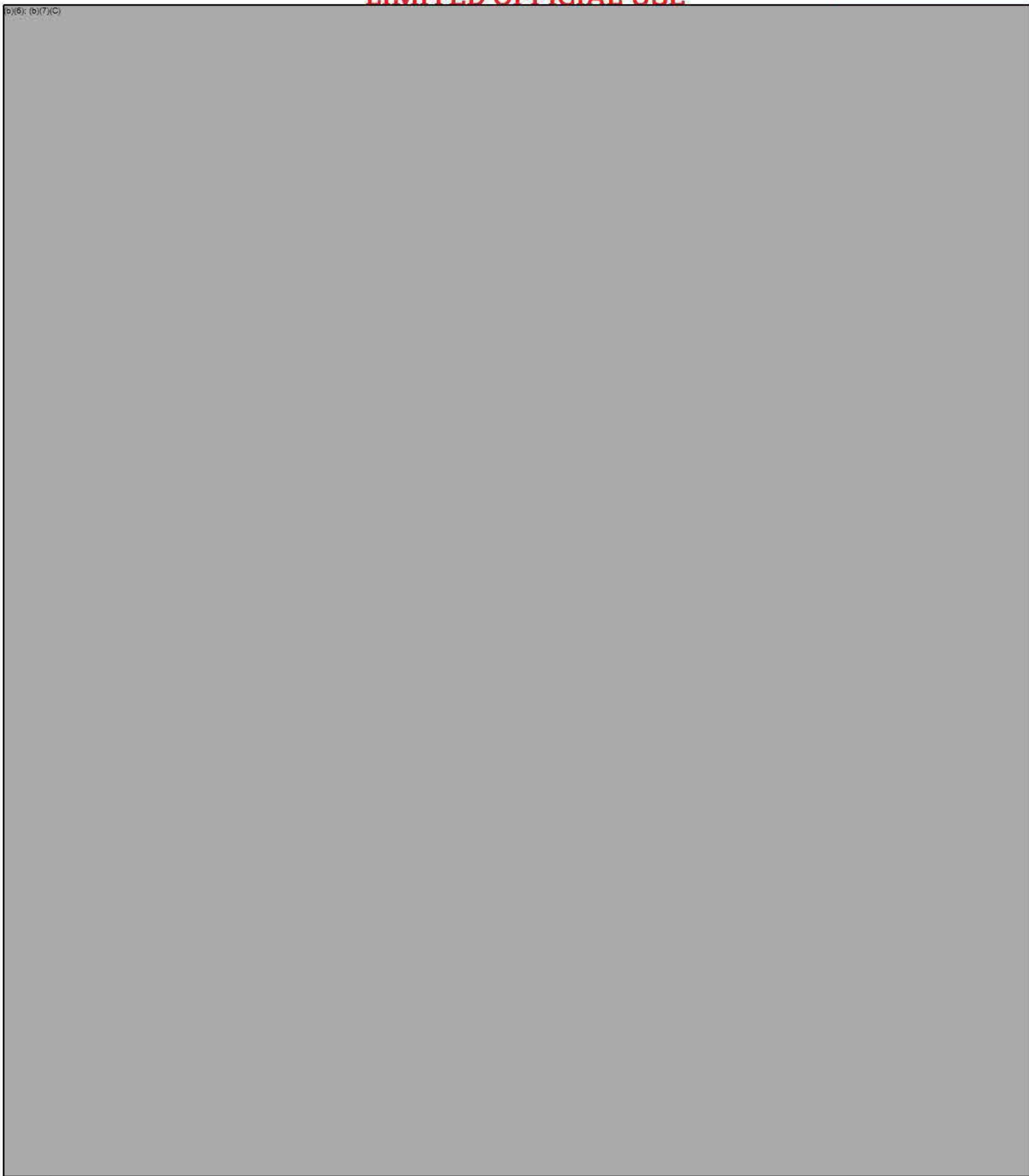
(b)(6); (b)(7)(C)

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



LIMITED OFFICIAL USE

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

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

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

resigned prior to being contacted by the OIG for an interview. When later contacted by the OIG, declined to be interviewed. 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

LIMITED OFFICIAL USE



LIMITED OFFICIAL USE

does not have the authority to compel or subpoena testimony from former Department employees, including those who retire or resign during the course of an OIG investigation.

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

LIMITED OFFICIAL USE