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DEPARTMENT OF JUSTICE | OFFICE OF THE INSPECTOR GENERAL

REPORT OF INVESTIGATION

SUBJECT		CASE NUMBER	
(b)(6); (b)(7)(C) Assistant United States Attorney		2020-003374	
OFFICE CONDUCTING INVESTIGATION		DOJ COMPONENT	
Chicago Field Office		Executive Office for United States Attorneys	
DISTRIBUTION		STATUS	
<input checked="" type="checkbox"/> Field Office CFO <input checked="" type="checkbox"/> AIGINV <input checked="" type="checkbox"/> Component EOUSA <input type="checkbox"/> USA <input type="checkbox"/> Other		<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, in approximately (b)(6); (b)(7)(C) (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) made sexual advances toward (b)(6); (b)(7)(C) during an after-hours gathering at a local bar. (b)(6); (b)(7)(C)

During the course of the investigation, the OIG found indications that (b)(6); (b)(7)(C) may also have groped (b)(6); (b)(7)(C) and made sexual comments toward (b)(6); (b)(7)(C) while at the after-hours gathering in (b)(6); (b)(7)(C). In addition, the OIG found indications that (b)(6); (b)(7)(C) may also have sent sexually-oriented messages, and/or made sexually-oriented comments, to (b)(6); (b)(7)(C) and two other female (b)(6); (b)(7)(C) staff members. Finally, the OIG found indications that (b)(6); (b)(7)(C) may have also attempted to tamper with a witness in this investigation by sending (b)(6); (b)(7)(C) text messages that appeared to probe for information about the OIG investigation and even appeared threatening in nature.

The OIG investigation substantiated the allegation that (b)(6); (b)(7)(C) sent sexually-oriented messages, and/or made sexually-oriented comments, to four (b)(6); (b)(7)(C) female staff members, including (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) which were

DATE	March 21, 2023	SIGNATURE	(b)(6); (b)(7)(C)
PREPARED BY SPECIAL AGENT			
DATE	March 21, 2023	SIGNATURE	WILLIAM HANNAH 2023.03.21 13:38:44 -05'00'
William Hannah			
APPROVED BY SPECIAL AGENT IN CHARGE			

OIG Form III-210/1 (Superseding OIG Form III-207/4) (04/23/2007)

Portions of the Report of Investigation may not be exempt under the Freedom of Information Act (5 USC 552) and the Privacy Act (5 USC 552a).



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inappropriate, and thus in violation of federal regulations regarding sexual harassment and employee conduct, as well as in violation of DOJ policy prohibiting sexual harassment in the workplace. The OIG investigation also substantiated the allegation that (b)(6); (b)(7)(C) attempted to tamper with a witness in this investigation by calling her and sending her multiple text messages that probed for information about the ongoing OIG investigation and even appeared threatening in nature, in violation of federal law. The OIG investigation did not substantiate the allegation that (b)(6); (b)(7)(C) groped (b)(6); (b)(7)(C)

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

In interviews with the OIG, (b)(6); (b)(7)(C) stated that in (b)(6); (b)(7)(C) while at an after-hours work gathering at (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) made inappropriate sexual comments toward her and propositioned her and (b)(6); (b)(7)(C) to join him in the bathroom to have sex. (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) told the OIG that (b)(6); (b)(7)(C) made inappropriate sexual comments toward her and propositioned her and (b)(6); (b)(7)(C) while at (b)(6); (b)(7)(C) in (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) also stated that (b)(6); (b)(7)(C) made sexual comments toward her in text messages and in conversations at the office. (b)(6); (b)(7)(C) said she received multiple text messages from (b)(6); (b)(7)(C) via both DOJ Skype and (b)(6); (b)(7)(C) personal phone that asked for information about the OIG investigation and seemed to correspond with the timing of OIG interviews. (b)(6); (b)(7)(C) provided the OIG with screenshots of the text messages. (b)(6); (b)(7)(C) said that the text messages raised concern of retaliation by (b)(6); (b)(7)(C) against her. After receiving the text messages, (b)(6); (b)(7)(C) blocked (b)(6); (b)(7)(C) phone number.

(b)(6); (b)(7)(C) testified that prior to her first OIG interview, (b)(6); (b)(7)(C) had contacted her twice, both calling and texting. One contact was after (b)(6); (b)(7)(C) own interview with the OIG and he discussed his testimony with (b)(6); (b)(7)(C) Several months after (b)(6); (b)(7)(C) first OIG interview (b)(6); (b)(7)(C) texted and called (b)(6); (b)(7)(C) several times and asked her about the subject and substance of her testimony. Days later, (b)(6); (b)(7)(C) sent (b)(6); (b)(7)(C) a text, calling her a "fucking bitch." Finally, several months after (b)(6); (b)(7)(C) second OIG interview, (b)(6); (b)(7)(C) texted to (b)(6); (b)(7)(C) that he was going to have another AUSA file a complaint against her.

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

Two additional (b)(6); (b)(7)(C) female staff members stated they engaged in sexually-oriented communications with (b)(6); (b)(7)(C) introduced the sexually-oriented material, sometimes as the initial text and other times during the flow of the conversation. For example, (b)(6); (b)(7)(C) initiated a text exchange with a female staff member by sending the text "I like boobs" to her personal cell phone. She believed he was being jovial. The other staff member stated that she engaged in sexually-oriented communications with (b)(6); (b)(7)(C) via Skype Messenger, and she also believed (b)(6); (b)(7)(C) was being jovial in nature.



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

In an OIG voluntary interview, (b)(6); (b)(7)(C) denied that he inappropriately touched (b)(6); (b)(7)(C) or made sexual comments toward (b)(6); (b)(7)(C) or any other staff at the after-hours gathering in (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)

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

(b)(6); (b)(7)(C) In a subsequent OIG compelled interview, (b)(6); (b)(7)(C) said he could not recall making sexually-oriented comments to (b)(6); (b)(7)(C) or (b)(6); (b)(7)(C) at the bar in (b)(6); (b)(7)(C). He said that he was very intoxicated, which might have limited his ability to recall what he might have said. (b)(6); (b)(7)(C) admitted to engaging in sexually-oriented conversations and text message exchanges with (b)(6); (b)(7)(C) female staff over the years. (b)(6); (b)(7)(C) said none of his comments were meant to be harassing or to be sexual overtures. (b)(6); (b)(7)(C) denied that there was any improper motive behind his contact with (b)(6); (b)(7)(C) about the OIG investigation, stating that he was curious about how long the investigation was taking. (b)(6); (b)(7)(C) also stated he was drinking "fairly heavily" around the time he sent the "fucking bitch" text and did not remember sending it. Finally, (b)(6); (b)(7)(C) also said he was just joking around in the text message threatening the filing of the complaint.

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

(b)(6); (b)(7)(C) declined prosecution. The Public Integrity Section declined to open a criminal investigation.

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

Unless otherwise noted, the OIG applies the preponderance of the evidence standard in determining whether DOJ personnel have committed misconduct. The Merit Systems Protection Board applies this same standard when reviewing a federal agency's decision to take adverse action 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, in approximately [REDACTED] U.S. Attorney's Office (USAO), [REDACTED] Assistant U.S. Attorney (AUSA) [REDACTED] made sexual advances toward [REDACTED] during an after-hours gathering at a local bar. [REDACTED]

During the course of the investigation, the OIG found indications that [REDACTED] may also have groped [REDACTED] and made sexual comments toward [REDACTED] while at the after-hours gathering in [REDACTED]. In addition, the OIG found indications that [REDACTED] may also have sent sexually-oriented messages, and/or made sexually oriented comments, to [REDACTED] and two other female [REDACTED] staff members. Finally, the OIG found indications that [REDACTED] may have also attempted to tamper with a witness in this investigation by sending [REDACTED] text messages that appeared to probe for information about the OIG investigation and even appeared threatening in nature.

Investigative Process

The OIG's investigative efforts consisted of the following:

Interviews of the following [REDACTED] personnel:

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

Review of the following:

- Blue Coat records for [REDACTED] and [REDACTED]
- Government email records for [REDACTED] and [REDACTED]
- [REDACTED] government-issued and personal cell phone records
- [REDACTED] personal cell phone records
- Relevant training records for [REDACTED]



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(b)(6); (b)(7)(C) Inappropriate, Sexually-Oriented Comments and Messages to Four (b)(6); (b)(7)(C) Employees and Alleged Unwanted Physical Sexual Contact with One (b)(6); (b)(7)(C) Employee

The information provided to the OIG alleged that (b)(6); (b)(7)(C) made sexual advances toward (b)(6); (b)(7)(C) at an after-hours work gathering in (b)(6); (b)(7)(C). During the course of the investigation, the OIG found indications that (b)(6); (b)(7)(C) made sexually oriented comments toward (b)(6); (b)(7)(C) while at the same after-hours gathering in (b)(6); (b)(7)(C). In addition, the OIG found indications that (b)(6); (b)(7)(C) may also have sent sexually-oriented messages, and/or made sexually-oriented comments, to (b)(6); (b)(7)(C) and two other female (b)(6); (b)(7)(C) staff members on other occasions. The OIG also found indications that (b)(6); (b)(7)(C) may also have groped (b)(6); (b)(7)(C) at the after-hours work gathering in (b)(6); (b)(7)(C).

Relevant Authorities

“Sexual Harassment” is defined at 29 C.F.R. § 1604.11: “(a) Harassment on the basis of sex is a violation of section 703 of title VII. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.”

The DOJ, Office of the Attorney General, Prevention of Harassment in the Workplace, Policy Memorandum No. 2015-04, dated October 9, 2015, states in part:

The Department of Justice will maintain a zero tolerance work environment that is free from harassment (including sexual harassment) based on sex, race, color, religion, national origin, gender identity, age, disability (physical or mental), genetic information, status as a parent, sexual orientation, marital status, political affiliations, or any other impermissible factor.... Harassing conduct is defined as any unwelcome verbal or physical conduct that is based on any of the above-referenced characteristics when this conduct explicitly or implicitly affects an individual's employment; unreasonably interferes with an individual's work performance; or creates an intimidating, hostile, or offensive work environment.

To enforce this zero tolerance policy, the Department will treat harassing conduct as misconduct, even if it does not rise to the level of harassment actionable under Title VII of the Civil Rights Act of 1964, as amended.... 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.

The DOJ Memorandum from the Assistant Attorney General for Administration and Designated Agency Official “Off-Duty Conduct,” dated January 29, 2016, provides that

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.” See 5 U.S.C. § 7513(a)....



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Specific off-duty conduct which has resulted in federal employees being disciplined, and in some cases removed from federal service, includes: sexual misconduct; racist or sexist remarks or conduct; threats against coworkers or supervisors; fraud; falsification to obtain employment, employment benefits, workers compensation, disability, or sick leave; failure to pay just debts, including taxes; misuse of government credit card; and conflicts of interest (improper use of one's official position for private gain).

(b)(6); (b)(7)(C) Sexually-Oriented Comments and Messages

(b)(6); (b)(7)(C) told the OIG that in (b)(6); (b)(7)(C) she attended an after-hours work gathering at (b)(6); (b)(7)(C), with various (b)(6); (b)(7)(C) staff, including (b)(6); (b)(7)(C) stated that during the gathering, (b)(6); (b)(7)(C) commented to (b)(6); (b)(7)(C) that she had "nice tits and ass," and they should go into the bathroom and "fuck." (b)(6); (b)(7)(C) said she declined. (b)(6); (b)(7)(C) then told (b)(6); (b)(7)(C) to ask (b)(6); (b)(7)(C) to join them in the bathroom so he could "lick their asses." (b)(6); (b)(7)(C) said she responded to (b)(6); (b)(7)(C) by saying she thought his comment was disgusting. (b)(6); (b)(7)(C) said she left the conversation and joined some other staff at a different table. (b)(6); (b)(7)(C) stated that a day or two after the gathering (b)(6); (b)(7)(C) came to her office and apologized for his inappropriate behavior, but she could not recall the specifics of his apology.

(b)(6); (b)(7)(C) told the OIG that about a year later, in (b)(6); (b)(7)(C) she was a part of a group text conversation that included (b)(6); (b)(7)(C) and other (b)(6); (b)(7)(C) employees, in which (b)(6); (b)(7)(C) mentioned comments about "ass licking" and "fucking in the bathroom" that he made at the bar in (b)(6); (b)(7)(C) as well stating that he punched a hole in the wall at his residence later that same night. (b)(6); (b)(7)(C) was unable to provide the OIG with the group text conversation for its review. (b)(6); (b)(7)(C)

In an interview with the OIG, (b)(6); (b)(7)(C) stated that while at the bar, he heard (b)(6); (b)(7)(C) make comments comparing (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) buttocks, and he recalled (b)(6); (b)(7)(C) making comments about being able to bounce a quarter off (b)(6); (b)(7)(C) buttocks. According to (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) were present during this conversation. (b)(6); (b)(7)(C) stated that he did not hear (b)(6); (b)(7)(C) make any other sexual or inappropriate comments while at the table.

In an interview with the OIG, (b)(6); (b)(7)(C) said he was at the after-hours gathering at (b)(6); (b)(7)(C) and did not hear (b)(6); (b)(7)(C) make sexual comments toward (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) said he recalled that someone, possibly (b)(6); (b)(7)(C) made a comment at the bar about bouncing a quarter off (b)(6); (b)(7)(C) buttocks.

In an interview with the OIG, (b)(6); (b)(7)(C) said while at the after-hours gathering at the bar, he did not hear (b)(6); (b)(7)(C) make any sexual comments to (b)(6); (b)(7)(C) or anyone else. (b)(6); (b)(7)(C) recalled that soon after the gathering, (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) were in his office talking about that night at (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) stopped in and made a comment in passing that it had been a "crazy night."

In interviews with the OIG, (b)(6); (b)(7)(C) said she was present at (b)(6); (b)(7)(C) in (b)(6); (b)(7)(C) for the gathering. (b)(6); (b)(7)(C) said while at the table, (b)(6); (b)(7)(C) asked her and (b)(6); (b)(7)(C) to go into the bathroom to have sex and "eat [their] asses," which they declined. (b)(6); (b)(7)(C) also recalled that while standing at the bar away from (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) that her body was toned and she could bounce a quarter off (b)(6); (b)(7)(C) buttocks. (b)(6); (b)(7)(C) explained that the quarter comment was an ongoing joke between her, (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) did not recall a group text conversation, during which (b)(6); (b)(7)(C) mentioned sexual comments he made at (b)(6); (b)(7)(C) and she did not recall (b)(6); (b)(7)(C) apologizing for his behavior. (b)(6); (b)(7)(C) added that (b)(6); (b)(7)(C) was likely too drunk to remember anything he did or said that night. (b)(6); (b)(7)(C) stated that prior to the gathering at (b)(6); (b)(7)(C) made sexual comments to her while in the office (b)(6); (b)(7)(C). For example, (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) that her "ass" had gotten big since working out.



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(b)(6); (b)(7)(C) also recalled (b)(6); (b)(7)(C) intentionally dropped a pen and told her, "Pick that up, sweetheart." (b)(6); (b)(7)(C) further stated that in the (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) texted her and asked if he could come by and "hit it," which (b)(6); (b)(7)(C) interpreted as (b)(6); (b)(7)(C) wanted to have sex with her. According to (b)(6); (b)(7)(C) she told (b)(6); (b)(7)(C) that his comments were inappropriate.

In an interview with the OIG, (b)(6); (b)(7)(C) recalled one occasion when (b)(6); (b)(7)(C) texted her about drinking and "boobs." Skype records indicate the messages were sent around (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) said she did not believe (b)(6); (b)(7)(C) texts were inappropriate or harassing in nature, and she described (b)(6); (b)(7)(C) as a "jokester." Thus, she never took him seriously. (b)(6); (b)(7)(C) also recalled an occasion in the office when (b)(6); (b)(7)(C) intentionally dropped a pen on the floor and asked either her or (b)(6); (b)(7)(C) to pick it up. (b)(6); (b)(7)(C) felt that (b)(6); (b)(7)(C) did not mean anything by his actions and was just trying to be funny. (b)(6); (b)(7)(C) never felt that (b)(6); (b)(7)(C) was inappropriate with her, and at most, she found his comments annoying. (b)(6); (b)(7)(C) also stated that in (b)(6); (b)(7)(C)

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

In her interview with the OIG, (b)(6); (b)(7)(C) recalled exchanging sexually-oriented messages with (b)(6); (b)(7)(C) via Skype messenger. Skype records indicate the messages were sent around (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) did not feel (b)(6); (b)(7)(C) was harassing her in any way, and she felt like he was being jovial. (b)(6); (b)(7)(C) acknowledged that during work hours they should not have discussed "boobs" and drinking, but she stated she was not offended and was not negatively impacted "in any way." (b)(6); (b)(7)(C) could not recall any instances of (b)(6); (b)(7)(C) making sexual comments to any other (b)(6); (b)(7)(C) staff.

The OIG reviewed (b)(6); (b)(7)(C) Skype Business Chat logs, received from EOUSA, and identified messages (b)(6); (b)(7)(C) sent to (b)(6); (b)(7)(C) in which (b)(6); (b)(7)(C) made references to "boobs" and commented on female employees' clothing, and messages (b)(6); (b)(7)(C) sent to (b)(6); (b)(7)(C) in which (b)(6); (b)(7)(C) referenced Tinder dating.

The OIG reviewed (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) government email accounts and Bluecoat internet history records, which did not reveal anything of evidentiary value.

The OIG reviewed (b)(6); (b)(7)(C) training records, which revealed he completed annual Sexual Harassment Prevention training from (b)(6); (b)(7)(C) through (b)(6); (b)(7)(C).

In an OIG voluntary interview, (b)(6); (b)(7)(C) denied making sexual comments to (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) did not recall propositioning either (b)(6); (b)(7)(C) or (b)(6); (b)(7)(C) to have sex in the bathroom at (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) also did not recall apologizing to (b)(6); (b)(7)(C) following the alleged incident. In a subsequent compelled interview with the OIG, (b)(6); (b)(7)(C) admitted to sending sexually-oriented texts and Skype messages, and making sexually-oriented comments, to female (b)(6); (b)(7)(C) staff members, including (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) stated he was comfortable with them, and his comments were jovial in nature. (b)(6); (b)(7)(C) said that his comments and messages to the female staff members were not sexually motivated, but part of what he perceived was a joking atmosphere in the office. (b)(6); (b)(7)(C) believed he was participating in a back-and-forth relationship with various staff members that included bawdy conversation. (b)(6); (b)(7)(C) stated that if he thought the conversation was unwelcome or made anyone uncomfortable, he would not have engaged in it. (b)(6); (b)(7)(C) stated no staff member ever expressed that they were offended or uncomfortable as a result of his comments. (b)(6); (b)(7)(C) reiterated that he did not recall making sexual comments to (b)(6); (b)(7)(C) or (b)(6); (b)(7)(C) at the after-hours gathering in (b)(6); (b)(7)(C) but conceded it was possible that he could not recall because he was very intoxicated. (b)(6); (b)(7)(C) stated he did not believe that (b)(6); (b)(7)(C) was ever offended by anything he did and said, and he expressed his concern that she made the allegations against him when she faced performance issues and when it was "useful to her."



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Withheld pursuant to exemption

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

of the Freedom of Information and Privacy Act



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OIG's Conclusion

The OIG investigation concluded that [redacted] sent sexually-oriented texts and Skype messages, and made sexually-oriented comments, to four [redacted] staff members, both on and off duty, in violation of the Department's zero tolerance policy on sexual harassment and off-duty conduct policy. [redacted] and [redacted] told the OIG that [redacted] sexually-oriented comments made them uncomfortable. While [redacted] and [redacted] told the OIG that they did not find [redacted] texts, Skype messages, and comments to be inappropriate or offensive, [redacted] communications with [redacted] and [redacted] likely contributed to a hostile work environment.

The OIG investigation did not find sufficient evidence to substantiate [redacted] allegation that [redacted] engaged in unwelcome physical contact with [redacted]

[redacted]

[redacted] Attempted Witness Tampering

During the course of the investigation, the OIG found indications that [redacted] may have also tampered with a witness in this investigation, by communicating with [redacted] through texts and in direct conversation, in a manner that appeared to probe for information about the OIG investigation and appeared threatening in nature.

Title 18 U.S.C. § 1512 states in part:

(b) Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to—

(1) influence, delay, or prevent the testimony of any person in an official proceeding...

shall be fined under this title or imprisoned not more than 20 years, or both.

The Justice Manual Standard of Conduct, Section, Title I (Organizations and Functions), Section 1-4.200 (Allegations of Misconduct by Department of Justice Employees—General Considerations), states in pertinent part the following: "All Department employees have an obligation to cooperate with OPR and OIG misconduct investigations (28 C.F.R. § 45.13) and must respond truthfully to questions posed during the course of an investigation upon being informed that their statements will not be used to incriminate them in a criminal proceeding."



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The regulation referenced in the Justice Manual, 28 C.F.R. § 45.13, states, "Department employees have a duty to, and shall, cooperate fully with the Office of the Inspector General and Office of Professional Responsibility, and shall respond to questions posed during the course of an investigation upon being informed that their statement will not be used to incriminate them in a criminal proceeding. Refusal to cooperate could lead to disciplinary action."

(b)(6); (b)(7)(C) spoke with and texted (b)(6); (b)(7)(C) on multiple instances during the OIG's investigation. In some of these communications, (b)(6); (b)(7)(C) attempted to discuss testimony related to the investigation and other communications appeared to be threatening. (b)(6); (b)(7)(C) told the OIG that around (b)(6); (b)(7)(C) before her first OIG interview on (b)(6); (b)(7)(C) contacted her. (b)(6); (b)(7)(C) said (b)(6); (b)(7)(C) reviewed the questions he was asked by the OIG during his interview, and he said he denied rubbing (b)(6); (b)(7)(C) leg or making sexual comments to (b)(6); (b)(7)(C) said she told (b)(6); (b)(7)(C) that he did rub (b)(6); (b)(7)(C) leg and had, in fact, made sexual comments to both her and (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) that he did not remember the incident. (b)(6); (b)(7)(C) stated she told (b)(6); (b)(7)(C) he probably did not remember because he was so intoxicated (b)(6); (b)(7)(C) said that (b)(6); (b)(7)(C) responding by saying, "I'm not asking [you] to lie" to the OIG.

(b)(6); (b)(7)(C) told the OIG that around four months later (b)(6); (b)(7)(C) spoke with (b)(6); (b)(7)(C) and then texted (b)(6); (b)(7)(C) four times. (b)(6); (b)(7)(C) testified that she had been in contact with (b)(6); (b)(7)(C) in the previous weeks, but the conversation had been general and not related to the OIG investigation. Starting around (b)(6); (b)(7)(C) however (b)(6); (b)(7)(C) began to specifically ask (b)(6); (b)(7)(C) about her knowledge of the status of the OIG investigation. (b)(6); (b)(7)(C) believed (b)(6); (b)(7)(C) had heard that she had been interviewed by the OIG and began to question her about what she was asked and what her testimony was. (b)(6); (b)(7)(C) provided a "very brief" answer to (b)(6); (b)(7)(C) questions. Then, on (b)(6); (b)(7)(C) received a text message from (b)(6); (b)(7)(C) that said, "U r [sic] such a fucking bitch." The next day, (b)(6); (b)(7)(C) sent three additional texts. These texts make no reference to the investigation, but relate to (b)(6); (b)(7)(C) "connection" with (b)(6); (b)(7)(C) with the last text stating, "[I] feel a certain connection to you [be]cause you have all the same issues as me tho[ugh] you seem to be handling them better than me."

(b)(6); (b)(7)(C) told the OIG that the next week, on (b)(6); (b)(7)(C) texted (b)(6); (b)(7)(C) and inquired about her interview with OIG: "Were all the questions they asked you about that night? Cause they asked me about work in general and if [I] harassed you on the regular. And I said yes," "Jk, "Lol." (b)(6); (b)(7)(C) did not respond to (b)(6); (b)(7)(C) texts. The next day, on (b)(6); (b)(7)(C) texted, "You can never escape" with multiple exclamation points. (b)(6); (b)(7)(C) speculated that (b)(6); (b)(7)(C) was texting because he had read the OIG report, and that (b)(6); (b)(7)(C) was upset because he had "found that (b)(6); (b)(7)(C) said something further than he expected [her] to say." The OIG interviewed (b)(6); (b)(7)(C) for a second time on (b)(6); (b)(7)(C).

(b)(6); (b)(7)(C) told the OIG that around (b)(6); (b)(7)(C) contacted her via Skype. In a voice conversation (b)(6); (b)(7)(C) told (b)(6); (b)(7)(C) that he was sorry for putting her in the middle of an OIG investigation (b)(6); (b)(7)(C) also told (b)(6); (b)(7)(C) that he was having a lot of anxiety based on not knowing the status of the investigation and what was going to happen.

(b)(6); (b)(7)(C) told the OIG that (b)(6); (b)(7)(C) texted her on (b)(6); (b)(7)(C) stating, "Can't wait until I get your interviews with OIG. I am gonna [sic] have (b)(6); (b)(7)(C) file a complaint against you." (b)(6); (b)(7)(C) told the OIG that she believed this statement was a threat and subsequently blocked (b)(6); (b)(7)(C) phone number. (b)(6); (b)(7)(C)

The OIG subsequently interviewed (b)(6); (b)(7)(C) who denied speaking to (b)(6); (b)(7)(C) about the investigation and denied filing or wanting to file a complaint again (b)(6); (b)(7)(C)

In a compelled interview with the OIG (b)(6); (b)(7)(C) admitted that he contacted (b)(6); (b)(7)(C) around the time of her OIG interview in (b)(6); (b)(7)(C) but denied that there was any motive behind his contact, other than being curious about the investigation. (b)(6); (b)(7)(C) admitted that he sent (b)(6); (b)(7)(C) the text messages in (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C) but said that "[i]t



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was a complete joke.” [REDACTED] stated that in the past [REDACTED] had appeared to take offense at “off color” language from [REDACTED] and would thus be inclined to complain about [REDACTED]. [REDACTED] added that he might have been drinking when he sent the [REDACTED] and [REDACTED] text messages.

The Public Integrity Section declined to open a criminal investigation on [REDACTED].

OIG's Conclusion

The OIG investigation concluded that [REDACTED] attempted to tamper with a witness of an investigation, by contacting [REDACTED] and sending multiple text messages that probed for information about the ongoing OIG investigation and even appeared threatening in nature. [REDACTED] actions violated 18 U.S.C. § 1512 (Witness Tampering) and Justice Manual § 1-4.200.

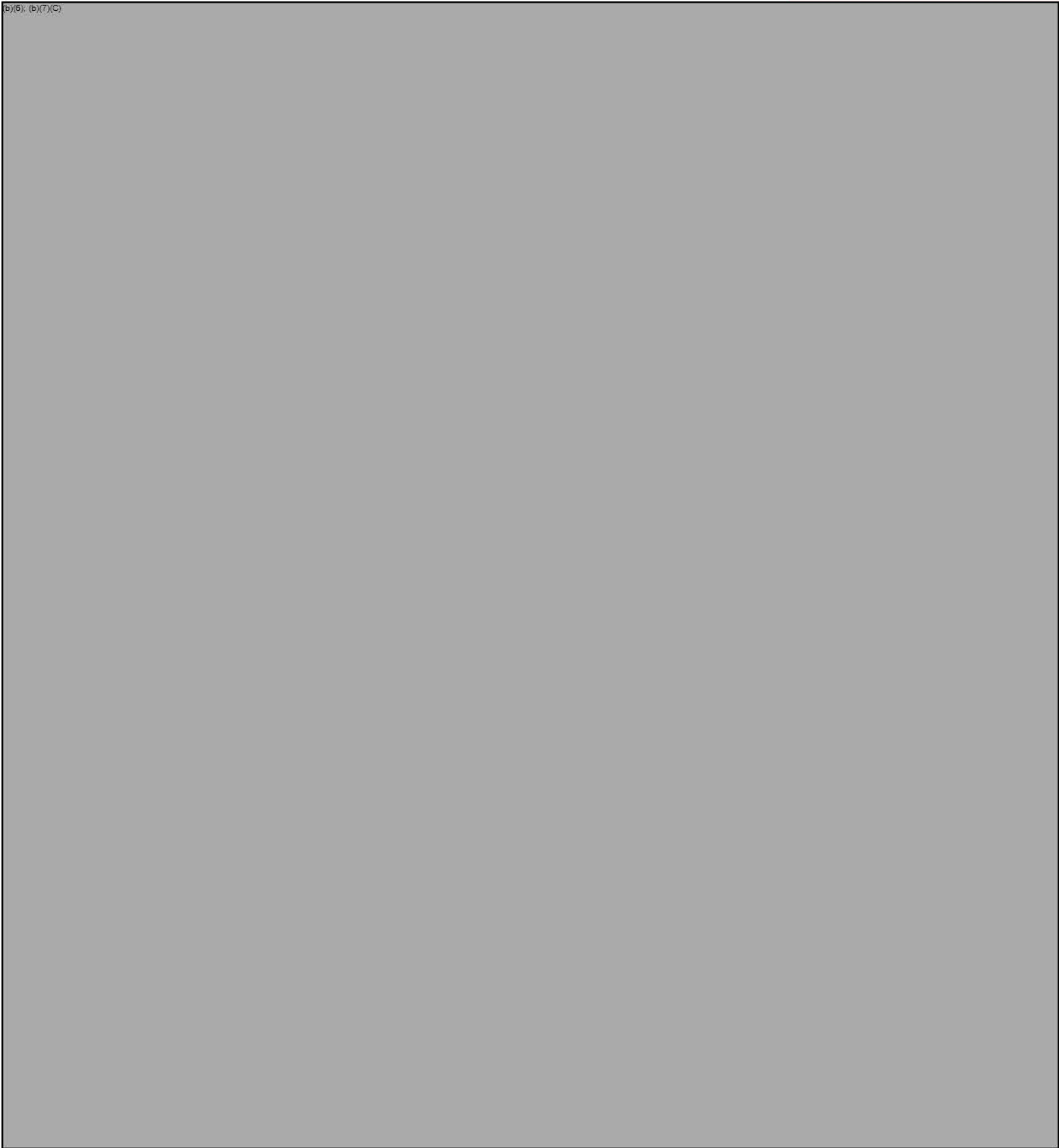
Although [REDACTED] denied any improper motive behind his text messages to [REDACTED] and said they were jovial in nature, [REDACTED] felt compelled to block [REDACTED] phone number after receipt of these messages. The OIG concluded that [REDACTED] communications with [REDACTED] about his testimony, in connection with her prior and/or upcoming testimony, were intended to influence [REDACTED] account to the OIG.





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(b)(6), (b)(7)(C)



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

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