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DEPARTMENT OF JUSTICE | OFFICE OF THE INSPECTOR GENERAL

REPORT OF INVESTIGATION

SUBJECT		CASE NUMBER	
(b)(6); (b)(7)(C) Assistant Special Agent in Charge (b)(6); (b)(7)(C)		2022-007868	
OFFICE CONDUCTING INVESTIGATION		DOJ COMPONENT	
Washington Field Office		Federal Bureau of Investigation	
DISTRIBUTION		STATUS	
<input checked="" type="checkbox"/> Field Office WFO <input checked="" type="checkbox"/> AIGINV <input checked="" type="checkbox"/> Component FBI <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 receipt of information from civilian (b)(6); (b)(7)(C) on (b)(6); (b)(7)(C)

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

(b)(6); (b)(7)(C) Prior to contacting the OIG, (b)(6); (b)(7)(C) had filed a complaint with the (b)(6); (b)(7)(C) Police Department (b)(6); (b)(7)(C). The criminal investigation was conducted by (b)(6); (b)(7)(C) and monitored by the OIG. Upon the closing of the criminal investigation, the OIG undertook this administrative misconduct investigation.

Subsequent to the onset of the (b)(6); (b)(7)(C) criminal investigation, the OIG discovered (b)(6); (b)(7)(C) may have failed to notify FBI management after he was interviewed by (b)(6); (b)(7)(C) as the subject (b)(6); (b)(7)(C)

DATE	March 7, 2023	SIGNATURE	(b)(6); (b)(7)(C)
(b)(6); (b)(7)(C)			
PREPARED BY SENIOR SPECIAL AGENT		SIGNATURE	Digitally signed by Russell W. Cunningham Date: 2023.03.07 13:25:37 -05'00'
DATE	March 7, 2023		
Russell W. Cunningham			
APPROVED BY SPECIAL AGENT IN CHARGE			

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

(b)(6); (b)(7)(C) The OIG did substantiate that (b)(6); (b)(7)(C) failed to notify FBI management after he was interviewed by (b)(6); (b)(7)(C)

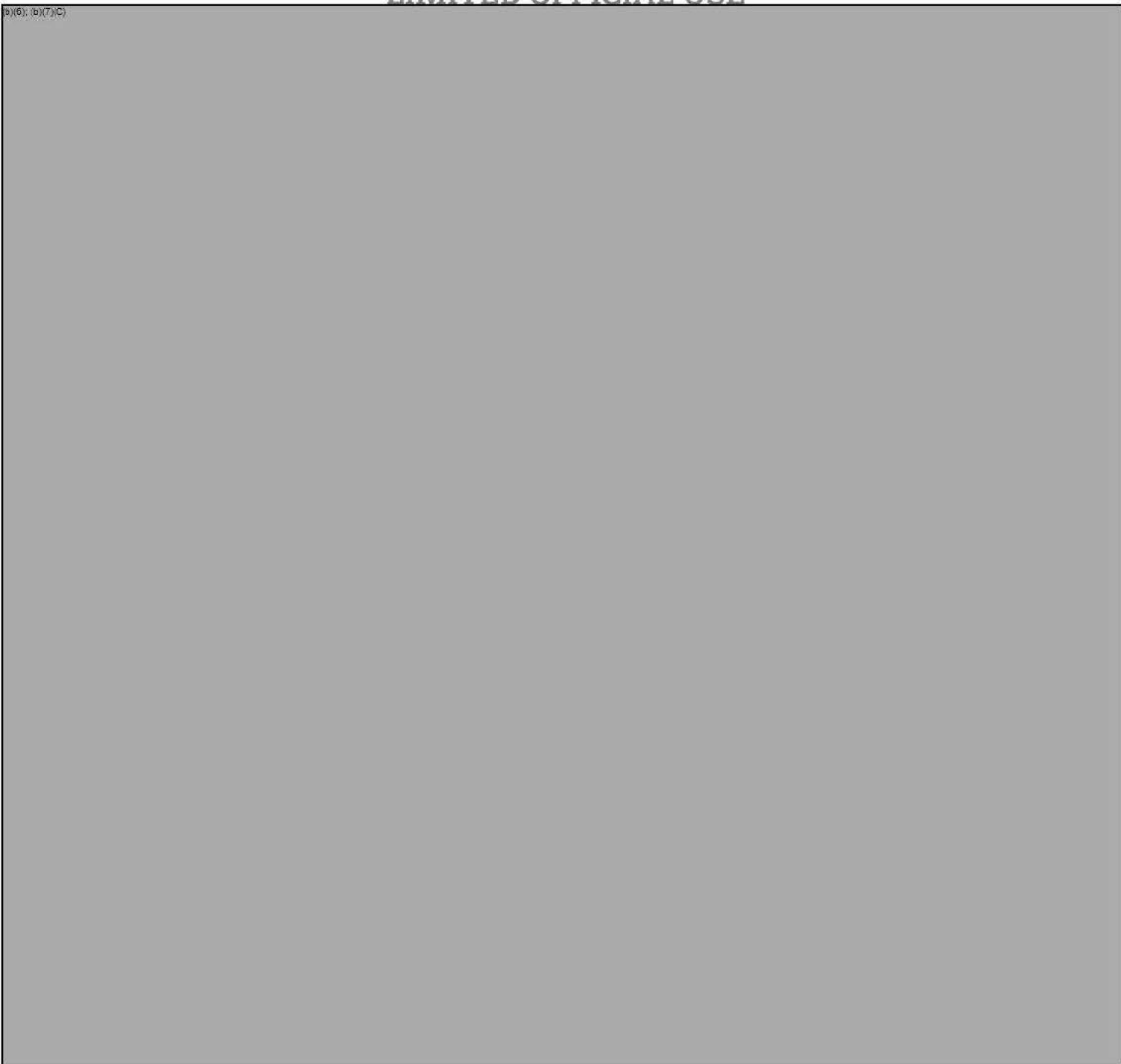
The OIG reviewed the (b)(6); (b)(7)(C) case file, including interviews of (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C). The OIG confirmed that (b)(6); (b)(7)(C) was contacted and interviewed by (b)(6); (b)(7)(C) on (b)(6); (b)(7)(C) regarding the (b)(6); (b)(7)(C) allegation by (b)(6); (b)(7)(C)

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

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

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



(b)(6); (b)(7)(C) admitted that a week or so later, he was contacted by a detective with (b)(6); (b)(7)(C) and he participated in a non-custodial voluntary interview at (b)(6); (b)(7)(C) in (b)(6); (b)(7)(C)

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

(b)(6); (b)(7)(C) admitted that he was aware of the FBI policy that required him to report the police contact to his FBI supervisor; however, (b)(6); (b)(7)(C) stated he did not do so as he was scared, embarrassed, and worried about what was going to happen to him.

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

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The OIG has completed its investigation of this matter 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 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 DETAILS OF INVESTIGATION

Predication

The Department of Justice (DOJ) Office of the Inspector General (OIG) initiated this investigation upon receipt of information from civilian (b)(6); (b)(7)(C) on (b)(6); (b)(7)(C)

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

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

(b)(6); (b)(7)(C) Prior to contacting the OIG, (b)(6); (b)(7)(C) had filed a complaint with the (b)(6); (b)(7)(C) Police Department (b)(6); (b)(7)(C). The criminal investigation was conducted by (b)(6); (b)(7)(C) and monitored by the OIG. Upon the closing of the criminal investigation, the OIG undertook this administrative misconduct investigation.

Subsequent to the onset of the (b)(6); (b)(7)(C) criminal investigation, the OIG discovered (b)(6); (b)(7)(C) may have failed to notify FBI management after he was interviewed by (b)(6); (b)(7)(C) as the subject (b)(6); (b)(7)(C)

Investigative Process

The OIG's investigative efforts consisted of the following:

Interviews of the following FBI personnel:

- (b)(6); (b)(7)(D) Assistant Special Agent in Charge.

Review of the following documents:

- (b)(6); (b)(7)(C) Police Department (b)(6); (b)(7)(C) case file;
- (b)(6); (b)(7)(C) video;
- (b)(6); (b)(7)(C) interview transcript of (b)(6); (b)(7)(C) and
- (b)(6); (b)(7)(C) interview transcript of (b)(6); (b)(7)(C)

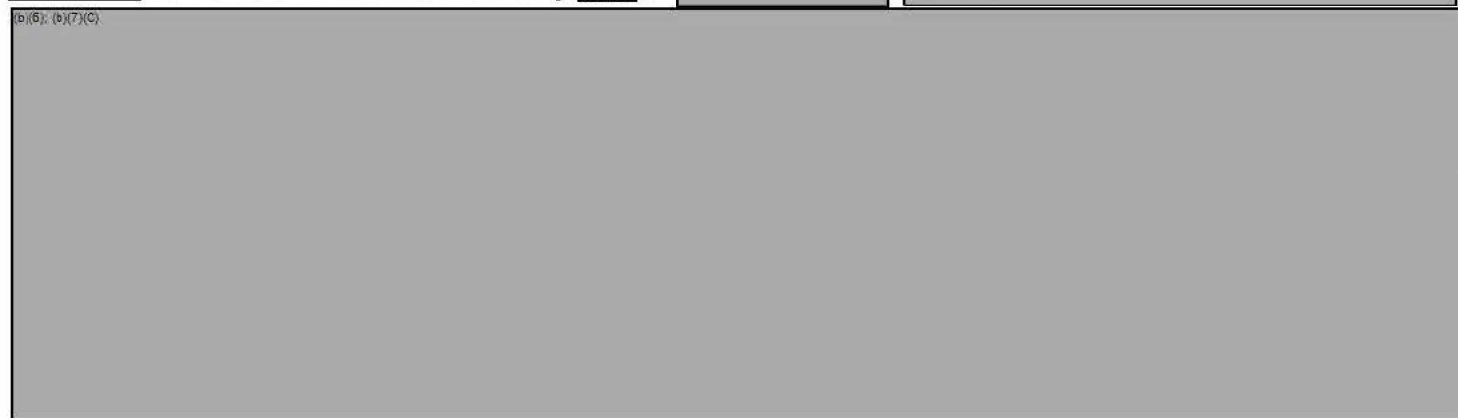
(b)(6); (b)(7)(C)

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



The OIG reviewed the (b)(6); (b)(7)(C) case file, including interviews of (b)(6); (b)(7)(C) and (b)(6); (b)(7)(C). The OIG confirmed that (b)(6); (b)(7)(C) was contacted and interviewed by (b)(6); (b)(7)(C) on (b)(6); (b)(7)(C).



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



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



During a compelled interview under oath, (b)(6); (b)(7)(C) told the OIG that (b)(6); (b)(7)(C) and has been in his current assignment as Assistant Special Agent in Charge (b)(6); (b)(7)(C) since (b)(6); (b)(7)(C).

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



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

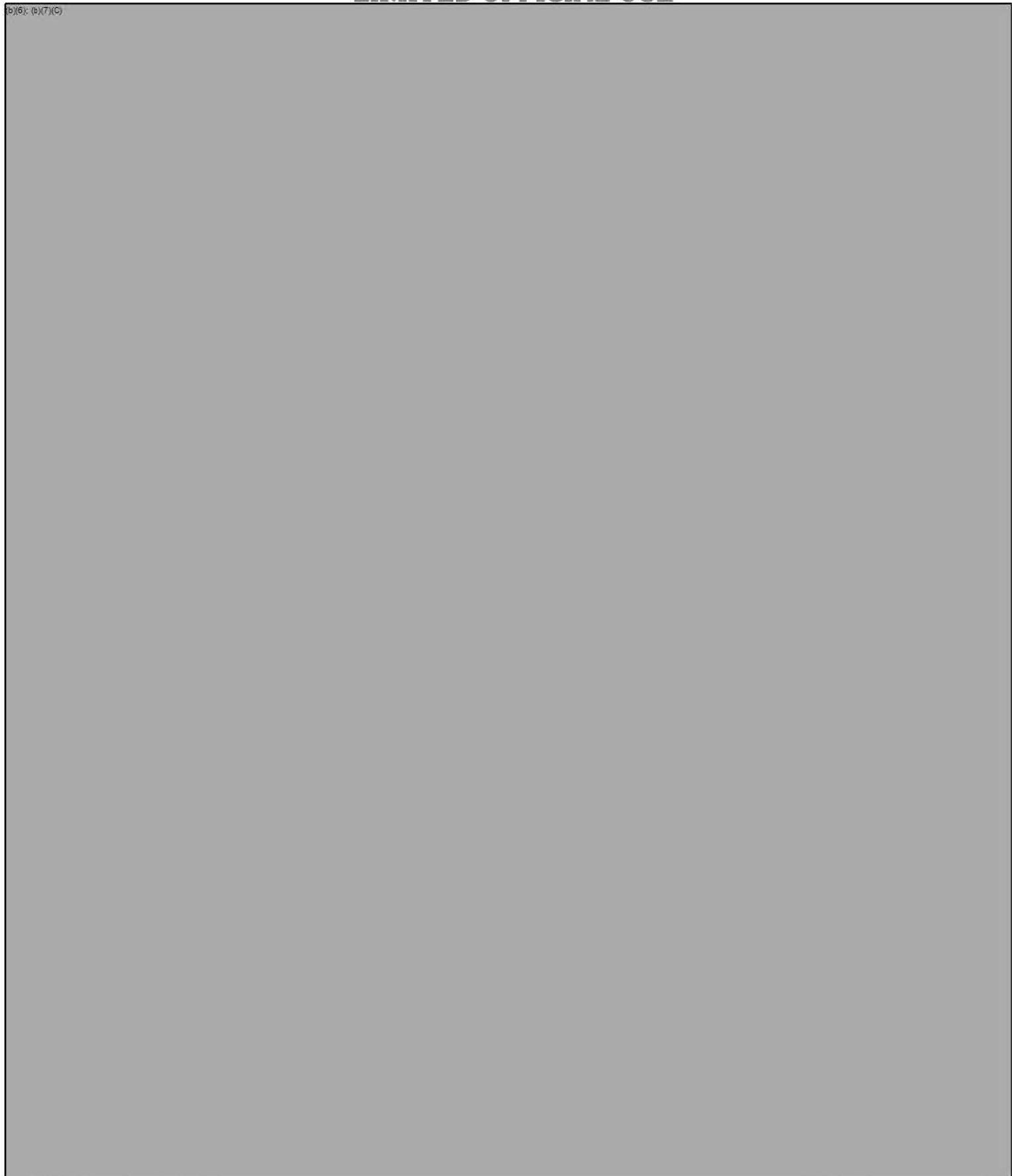


(b)(6); (b)(7)(C)



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



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

OIG's Conclusion

The OIG investigation did not find sufficient evidence to substantiate the allegations (b)(6); (b)(7)(C)

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

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

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

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Failure to Report Serious/Criminal Police Contact

Subsequent to the onset of the investigation, the OIG discovered [redacted] may have failed to notify FBI management after he was interviewed by [redacted] in relation to [redacted] complaint.

FBI Offense Code 5.8 Failure to Report – Criminal/Serious states employees are required to “report to the appropriate FBI official or supervisor, in a timely manner, any serious misconduct the employee committed; any arrest, summons, contact with law enforcement, or involvement in the court system by the employee; or any serious misconduct or criminal conduct committed by another employee of which the employee was aware.”

During a compelled interview under oath, [redacted] admitted to the OIG that he was contacted by an [redacted] detective on [redacted] and that he participated in a voluntary interview with [redacted] on that same date. [redacted] could not recall if the detective told him he was a subject, witness, or interested party; however, [redacted] admitted that after the [redacted] detective told him [redacted]

[redacted] considered himself a subject of the [redacted] investigation. [redacted] admitted that after he was contacted and subsequently interviewed by [redacted] he did not notify his supervisor or anyone else at the FBI. [redacted] admitted that he was aware of the FBI policy that requires him to notify a supervisor or other appropriate FBI official of any serious misconduct or contact with law enforcement. [redacted] explained that he did not notify anyone at the FBI because he was scared, embarrassed, and worried about what was going to happen to him. [redacted] admitted that he did not notify his supervisor of his interview with [redacted] until [redacted], after being contacted by the OIG.

OIG's Conclusion

The OIG investigation substantiated that [redacted] violated FBI Offense Code 5.8 when he failed to report his interview with [redacted] to an FBI official or supervisor.

[redacted]

The OIG has completed its investigation of this matter and is providing this report to the FBI for appropriate action.