



INVESTIGATIVE REPORT

Lori Torres, Inspector General

OFFICE: INDIANA ATTORNEY GENERAL
TITLE: ATTORNEY GENERAL WRONGDOING
CASE ID: 2018-07-0184
DATE: October 23, 2018

After a joint investigation by Inspector General Director of Investigations, Special Agent Darrell Boehmer, and Sergeant Lawrence Cahill, Sex Offense Section of the Indianapolis Metropolitan Police Department, Inspector General Lori Torres reports as follows:

The Indiana General Assembly (IGA) charged the Office of Inspector General (OIG) with addressing fraud, waste, abuse, and wrongdoing in the executive branch of state government. Ind. Code § 4-2-7-2(b). The OIG also investigates criminal activity and ethics violations by elected state officers, employees, and special state appointees. Ind. Code § 4-2-7-3. The Inspector General (IG) and special agents employed by her are law enforcement officers. The special agents, as OIG investigators, are Tier One certified law enforcement officers with full arrest and enforcement powers pursuant to Ind. Code § 35-31.5-2-185(a)(3). The OIG shall recommend policies and carry out other activities designed to deter, detect, and eradicate fraud, waste, abuse, mismanagement, and misconduct in state government. Ind. Code § 4-2-7-3(2).

On July 2, 2018, the media reported allegations that Indiana Attorney General Curtis Hill (Hill) inappropriately touched four women at a bar in March of 2018. On July 5, 2018, the IG received requests that the OIG investigate the allegations from each of the four leaders of the IGA: Senate President Pro Tempore, David Long; Senate Minority Leader, Tim Lanane; Speaker of the House,

Brian Bosma; and House Minority Leader, Terry Goodin (the Leaders)¹. As the OIG has jurisdiction over wrongdoing in the executive branch of state government, including criminal misconduct of state elected officials, the OIG opened an investigation into the allegations.

Shortly after the OIG opened its investigation, IG Torres communicated with Marion County Prosecutor Terry Curry regarding the investigation. Prosecutor Curry requested the Marion County Superior Court appoint a special prosecutor to assist the OIG with its investigation². Prosecutor Curry cited the following reasons as the basis for his request for a special prosecutor: the statutory attorney-client relationship he has with the Office of Attorney General (OAG), current cases where the OAG is representing his office, and the resulting conflict of interests from this relationship. On July 10, 2018, Marion County Superior Court Judge Lisa Borges found that the appointment of a special prosecutor was necessary to avoid the appearance of impropriety. Attorneys for Hill filed a response listing several objections to Prosecutor Curry's request for a special prosecutor. Despite these objections, Judge Borges appointed Dan Sigler as the special prosecutor in this matter on July 24, 2018.

Investigative Process

OIG Director of Investigations, Darrell Boehmer, led the investigation on behalf of the OIG. Due to the nature of the allegations, the OIG requested the Indianapolis Metropolitan Police Department (IMPD) assist with the investigation. Sergeant Lawrence Cahill with the IMPD Sex

¹ The OIG received several additional complaints from members of the public regarding Hill's actions prior to his election as Attorney General. The OIG did not investigate any of these complaints because they fell outside the OIG's jurisdiction, which includes only the executive branch of state government.

² As part of its statutory mandate, the OIG conducts criminal investigations involving state officers, employees, special state appointees or those with a business relationship with the State. The OIG typically presents the results of its investigation to a county or federal prosecutor after the completion of its investigation and is available to answer any questions or obtain additional evidence per the request of the prosecutor. In some criminal investigations, the OIG involves the prosecutor at a much earlier stage.

Offense Section actively participated in all aspects of the investigation, including all of the victim interviews and most of the witness interviews.

The investigators conducted fifty-six interviews throughout the course of the investigation. They first interviewed the four witnesses who were included in the original complaint and who alleged Hill inappropriately touched them at the sine die party at AJ's Lounge (AJ's) in the early morning of March 15, 2018. They interviewed an additional thirty-five witnesses who attended the sine die party at AJ's, not including the four witnesses in the original complaint who alleged that Hill inappropriately touched them at the party. Investigators also interviewed fourteen witnesses³ who were involved in the IGA's human resources review of Hill's alleged actions at the sine die party and six witnesses who worked for the OAG and were involved in discussions or other actions related to the alleged events at the sine die party. They interviewed one additional witness who was with Hill prior to the sine die party but did not attend the party.

Of the witnesses that the investigators interviewed that attended the sine die party at AJ's, seven were elected members of the IGA, fifteen were lobbyists, fifteen were legislative staffers, and two were employees of AJ's. Of the witnesses that the investigators interviewed that were involved in the IGA review of the sine die party, six were elected members of the IGA, seven were staff of the IGA, and one worked for the OAG.

The OIG also issued several subpoenas for records to obtain details of the sine die party. For example, the OIG issued a subpoena to the owner of AJ's to obtain surveillance video of the bar for March 14 and 15, 2018; however, AJ's' owner, through counsel, replied that video was no longer available for the dates requested. The OIG also subpoenaed receipts for food, drinks, and

³ Four witnesses who were involved in the IGA's human resources review also attended the sine die party at AJ's.

transportation for individuals who were with Hill on the evening of March 14, 2018 and the early morning of March 15, 2018 to establish a timeline of events.

Through Hill's criminal defense attorneys, Special Prosecutor Sigler arranged for Hill to provide a video-recorded statement for purposes of the investigation. Special Prosecutor Sigler told the OIG that he believed that Hill's attorneys would only speak with the Special Prosecutor and not with the investigators; therefore, Special Prosecutor Sigler and Hill's attorneys agreed that Hill would provide a video-recorded statement with one of Hill's attorneys asking him questions. Neither Special Prosecutor Sigler nor the investigators attended the interview; however, Hill's attorneys provided the Special Prosecutor a copy of the recorded statement, and Special Prosecutor Sigler provided it to investigators.

Hill's attorneys also provided Special Prosecutor Sigler with a list of three witnesses they asked investigators to interview. This included two lobbyists and the owner of AJ's. The investigators interviewed all three witnesses provided by Hill's attorneys, who are included in the count of witnesses noted in an earlier paragraph of this Report.

Hill's Activities Prior to Sine Die Party on March 14, 2018

According to Hill's video-recorded statement and the statements of three witnesses who investigators interviewed, Hill went to the Capital Grille on the evening of March 14, 2018, which was the last day of the IGA's regular legislative session. In his recorded statement, Hill stated that he went to the Capital Grille, and he ran into a friend who is a lobbyist. The friend was with a group of lobbyists, and Hill joined them for drinks and appetizers. Hill said he had a glass of wine at the Capital Grille. Investigators obtained a copy of a Capital Grille receipt from the lobbyist who paid for the group. There were twenty drinks on the receipt for the party of six. The receipt shows that the lobbyist paid the bill at 9:01 p.m.

Hill and three witnesses, who were part of the group of lobbyists with Hill at the Capital Grille, stated that Hill and two of the lobbyists then walked to the 1933 Lounge, which is part of St. Elmo Steakhouse. On the way there, they met up with another group of lobbyists and continued to the 1933 Lounge. Hill said he had one glass of wine at the 1933 Lounge and may have had a second glass. Investigators obtained a copy of a 1933 Lounge receipt from a lobbyist who paid for the group. The receipt shows that the lobbyist paid the receipt for the 1933 Lounge at 11:56 p.m.

Hill and two of the witnesses that investigators interviewed said that they then went to AJ's for the sine die party. According to Hill's recorded statement, at least some of the group who he was with at the 1933 Lounge took a cab or an Uber to AJ's. In his recorded statement, Hill stated that he thinks they arrived at AJ's around 11:30 or 11:45 p.m. because it was not very crowded yet. The lobbyist with whom Hill arrived said they arrived at AJ's around midnight.

Sine Die Party at AJ's

A sine die⁴ party occurred at AJ's on the evening of March 14, 2018 and into the early morning hours of March 15, 2018. Witnesses described the event as an informal gathering to celebrate the end of the legislative session. The investigators learned that the sine die party has been a tradition for the last several years for those associated with the legislative session. It has been held at various locations in the past, but according to the establishment's owner, AJ's has hosted the event for at least the past four years. Several witnesses testified that lobbyists pay for the event, which allows other attendees to enjoy an open bar for most of the party.

Most witnesses described the sine die party as for legislators, their staff and lobbyists. Attendees learned about the event through word of mouth. During interviews with investigators, several witnesses indicated that it was highly unusual to see a statewide elected official at the sine die

⁴ Sine die is the final termination of a regular or special legislative session. It means an adjournment "without a day" set for reconvening.

party; however, none of the witnesses described the party as a closed event. Those attendees who had been to sine die parties in past years stated that they had not seen a statewide elected official at the parties in the past. As a result, several witnesses noted that they were surprised to see Hill at the sine die party.

Witnesses' accounts varied on how crowded the bar was on the evening of March 14, 2018, and in the early morning hours of March 15, 2018. Most witnesses indicated that the bar was fairly crowded but said that attendees could easily move throughout the bar. According to Hill's recorded statement, he had heard some people say there were over a hundred people at the bar and others say there were over two hundred people at the bar. He was unable to say how many people he thought were in the bar, but he noted it was very crowded. The owner of AJ's said that the bar's capacity is 60 people, and she said the bar was not overly crowded.

The IGA did not adjourn until midnight on March 14th; therefore, most witnesses who attended the sine die party, including all of the IGA members and legislative staffers and most of the lobbyists, stated that they did not arrive at AJ's until 12:30 a.m. or later. According to AJ's owner and employee, most of the people started coming into the bar around 12:30 or 12:45 a.m. They also said most people left around 2:30 to 3:30 a.m., and a few people stayed until 5:00 or 6:00 a.m. According to the Uber receipt investigators obtained from a witness that said he shared an Uber home with Hill, Hill and the group he was with left AJ's at 3:32 a.m.

Many of the witnesses described the atmosphere at the sine die party as "jovial" or "celebratory." Most, but not all witnesses, said they consumed some alcohol during the evening; however, only a small number stated that they themselves were inebriated. In his recorded statement,

Hill said he had a vodka martini, which he sipped on for quite some time, and he “sipped from a fireball⁵” at AJ’s.

Of the thirty-nine witnesses interviewed that attended the sine die party, twenty said that Hill appeared to be intoxicated. When asked why they believed Hill was intoxicated, witnesses made statements such as “he had trouble standing up;” he was “glassy-eyed;” his “speech was slurring;” and he appeared to be “disheveled.” One witness described him as “acting like a freshman at a college frat party,” and another witness said he behaved in a “predatory, intoxicated manner.” Another fifteen witnesses did not comment on whether Hill was intoxicated or said they were not sure or could not remember whether Hill appeared to be intoxicated. Many of these witnesses remarked that they did not know Hill well enough to know if he was intoxicated. Another four witnesses said they did not believe he was intoxicated. One of these witnesses said, “he had a drink in his hand, but he was not stumbling or appearing not to be able to hold a conversation.”

Incidents

During the course of the investigation, the investigators examined the four allegations of Hill inappropriately touching women that the media reported occurred at the sine die party. They also investigated a few additional incidents that came out during the course of the investigation. Below is a summary of what the investigators learned regarding each incident.

Incident 1 - Legislator

One incident that the news media reported and the investigators examined involved a legislator (the Legislator) who alleged that Hill inappropriately touched her at the sine die party on two separate occasions. Investigators interviewed the Legislator, along with five witnesses who said

⁵ Fireball is a type of whiskey.

they saw Hill touch the Legislator and several other witnesses who said they heard the Legislator say something about Hill's behavior that evening.

The Legislator told investigators that she exchanged pleasantries with Hill, and he leaned forward as if he could not hear her. When he did this, he put his hand on her back, slid his hand down to her buttocks, and grabbed her buttocks. The Legislator stated that she had on a backless dress so when Hill put his hand on her back, he was touching skin. She said that his hand went from her shoulders all the way down to her buttocks. When his hand reached the fabric of her dress where the dress scooped in the back, his thumb went inside her dress to touch her upper buttocks, and his hand was on the outside of her dress and grabbed her buttocks. She said at this point she told him to back off, and she got away from the situation as fast as she could.

She then stated that approximately thirty minutes later, when she was talking with a group of people, Hill came up from behind, and he reached out to put his hand on her skin again and touched her back. She reported that Hill said "that back, that skin" when he touched her back. She told investigators that she knew what was coming so she rolled away from Hill. She did not say anything to him at that time, but she believes she made an exclamation to someone standing by her.

One of the witnesses to this incident, a female staffer with the IGA, said she saw Hill touch the Legislator's back and slowly slide his hand down her back. She said she does not know how far down his hand went because she looked away; however, she said she was right behind the Legislator so she clearly saw Hill put his hand on her back. She saw the Legislator mouth "What the fuck" after Hill touched her.

Another witness, a male legislative staff member, said he saw Hill touch the Legislator "with his own two eyes." He said the Legislator's back was to him, and she had on a low-cut dress in the back. He said that he saw Hill's hand go over her butt, and then she said something and moved away

from Hill. The witness said he had a very clear view of Hill touching the Legislator's buttocks. He stated "you could tell he got caught."

A third witness, a male legislative staff member, said he saw Hill talking with the Legislator. He saw Hill rubbing the Legislator's back, but he did not see Hill's hand slide down her back. He said he was not staring at Hill and the Legislator long enough to see if there was any other contact.

A fourth witness, a male legislator, said he saw Hill embrace the Legislator with his hand on her back. He described the action as a "polite side-hug." He said Hill pulled the Legislator into him so that their bodies would have made contact. He said he could not see Hill's hand go up or down the Legislator's back. This witness said the Legislator approached him before the end of the evening and said that Hill was "a creep," but she did not explain her statement further.

A fifth witness, a female legislative staff member, said she saw Hill dancing with the Legislator. She said she thinks Hill was trying to put his hand too far down the Legislator's dress, which had a low scoop in the back. She saw the Legislator moving Hill's hand away.

Other witnesses claimed that they did not see Hill touch the Legislator but that the Legislator said something or did something on the night of the sine die party indicating she was uncomfortable with Hill's actions that evening. One lobbyist said he saw Hill hovering around the Legislator, and he stuck around the Legislator because he could tell Hill was making her uncomfortable. Another lobbyist said someone bumped his elbow at the bar, and when he turned around, the Legislator introduced him to Hill. After Hill left, the Legislator said, "thank you very much; he had been following me around and rubbing my back; that's why I introduced you to him." A third lobbyist said he was in a circle with the Legislator, and she said to him that Hill "was a fucking creep."

Incident 2 – Staffer 1

A second incident that the media reported and the investigators examined involved a legislative staff member (Staffer 1) who alleged that Hill inappropriately touched her on the back. Investigators interviewed Staffer 1, along with one witness who said she saw Hill touch Staffer 1 and several other witnesses who said they saw Staffer 1 upset that evening or the next day over something that had happened with Hill. Staffer 1 is 23 years old.

Staffer 1 told investigators that Hill approached her and asked if she knew who he was. She said that she did, and he asked her for her name and pulled up a stool next to her. She said that he pushed her into the bar a bit and he started rubbing her back. She stated that she felt trapped. She said Hill's full hand was going up and down her back for a sustained period. She was uncomfortable and embarrassed, wondering how others would perceive the situation. She stated that Hill did not try to get his hand under her clothes, and she never asked him to remove his hand. She stated that she mouthed, "help me" to her intern, who came up to her and asked her to go to the bathroom. This allowed her to get out of the situation.

Investigators interviewed the intern who Staffer 1 reported helped her get away from Hill. The intern stated that she saw Hill "put his hand around [Staffer 1's] back." The intern said that initially Staffer 1 did not indicate that there was a problem, but after a couple of seconds, she mouthed "help me." She stated that she understood this to mean that Staffer 1 wanted her help to get away from Hill. The intern reported that when they went to the bathroom, Staffer 1 said that what happened was "so creepy."

Another witness, a legislative staff member, stated that he was waiting outside for an Uber, when Staffer 1 came outside and was crying. He stated that she told him Hill had touched her and made her very uncomfortable. She said she was afraid how other people would see it and think she

was fine with the interaction. He said that she did not provide details on how Hill allegedly touched her.

Investigators interviewed another legislative staffer who was at AJ's on the night of the sine die party but did not observe Hill's interactions with the women there that night. She reported that the next day Staffer 1 said that Hill put his hand on her back and kept it there for several minutes. The witness indicated that Staffer 1 was "pretty freaked about it" the next day. She said that Staffer 1 was very reluctant to say anything.

Incident 3 – Staffer 2

A third incident that the media reported and investigators examined involved another legislative staff member (Staffer 2) who alleged that Hill inappropriately grabbed her by the waist. Investigators interviewed Staffer 2. None of the witnesses the investigators interviewed stated they saw Hill touch Staffer 2; however, several witnesses said that Staffer 2 acted uncomfortable around Hill. Staffer 2 is 25 years old.

Staffer 2 told investigators that while she was waiting for a drink at the bar, she encountered Hill and, recalling his interaction with the Legislator that she observed, said that she told Hill she knew his daughter from college "because he was already acting weird and making her uncomfortable." She stated that she told Hill she knew his daughter so that he would know she was his daughter's age and know that "it was kind of creepy" and he was making her uncomfortable. She told investigators she said, "it's really hot in here," and Hill replied, "Yes, you're really hot." She said Hill then wrapped his arm around her back, grabbed her by the waist, and pulled her close to him. She said she tried to use the bar stool as a divider between them. She told her friend (Staffer 3) not to leave her. After that she was able to leave, and she had no further contact with Hill.

Investigators interviewed Staffer 3 who said that she was standing at the bar with a group of women when Hill came up behind them. She said that he said they needed to “show a little skin” to get drinks faster. She said she became alert with this comment and moved to the other side of the bar. She then said that Staffer 2 looked at her with an “unspoken language” asking that she help her get out of the situation.

Incident 4 – Staffer 3

A fourth incident that the media reported and investigators examined involved Staffer 3 who alleged that Hill inappropriately touched her. Investigators interviewed Staffer 3. They also interviewed several other witnesses who said that Staffer 3 told them about her interaction with Hill. Staffer 3 is 26 years old.

Staffer 3 told investigators that Hill put his hand on her back and then moved his hand down her back. She said that she started to push his hand away, and he grabbed her hand and moved it over her buttocks before he let her go. She stated that he touched her buttocks during the interaction. She said when he moved her hand, he was “very forceful.” She described it as an “intentional grabbing,” and she thought it was “a way of telling who was in charge in that situation.” She said she also thought he was telling her not to push his hand away.

Investigators interviewed several witnesses who said Staffer 3 told them about her alleged interaction with Hill. A female lobbyist who rode home with Staffer 3 after the sine die party stated that Staffer 3 discussed Hill touching her, both at the party and on the ride home. A male legislator who attended the party told investigators he saw Hill walk up to Staffer 3 and saw Hill put his arm around her and two other girls. The legislator said he heard Hill say, “Don’t you ladies know how to get service?” The legislator said he turned around at this point and did not hear anything further.

Investigators also interviewed a witness who was not at the sine die party but communicated with Staffer 3 shortly after the party. She said that Staffer 3 texted her the morning of the sine die party. Investigators obtained a copy of the text from Staffer 3 to the witness that said Hill “grabbed her butt” and “touched other women and made inappropriate comments.” The same witness stated that a male legislator texted her the night of the sine die party and said that Hill was acting inappropriately.

Incident 5 – Lobbyists 1, 2, and 3

During the course of the investigation, investigators learned of a fifth incident where witnesses said Hill draped his arms around two female lobbyists and put his hand on the back of another female lobbyist (Lobbyists 1, 2, and 3)⁶ in a way that made them feel uncomfortable. Investigators interviewed Lobbyists 1, 2, and 3, a male legislator, and two male lobbyists that all said they were part of or witnessed the incident. All six witnesses provided a similar account of this incident.

Lobbyists 1, 2, and 3 and the male legislator said that Hill came up to their group and asked the male legislator how he got to be so lucky to be with three beautiful women. The male legislator added that Hill also said to him, “You must be Mr. Cool” and asked the group, “do you know who I am?” Lobbyist 3 noted that Hill had a martini in his hand when he approached them.

All of the witnesses said Hill put his arm around Lobbyists 1 and 2, and the women pulled away. He made a second comment to the male legislator about them all being beautiful women. These witnesses also said he put his hand on the back of Lobbyist 3. Lobbyist 3 said she walked away to sit with a different legislator and told the legislator that Hill was making her feel uncomfortable. She also said she thought Hill was touching people purposefully; she did not feel it

⁶ All witnesses to this incident said Hill placed his arm around two lobbyists and placed his hand on the back of one lobbyist, all in a particular group; however, statements differed as to around which of the two lobbyists Hill placed his arm and on which lobbyist he placed his hand on her back.

was an accident. All three women told investigators that they felt uncomfortable with Hill touching them.

One of the witnesses to this incident, who is a male lobbyist, said, “Hill was the talk of the bar.” He elaborated by saying that he was making women feel uncomfortable by touching them. Lobbyist 1 said that Hill spent a lot of time talking to the women at the bar “in a way that was unusual; had sexual innuendo through all of it.” Another male lobbyist said that Lobbyists 1, 2, and 3 talked about the incident after it happened and described it as “a lot creepy.”

Incident 6 – Lobbyist 4

During the course of the investigation, investigators learned of a sixth incident where several witnesses said Hill was dancing very closely with a female lobbyist (Lobbyist 4). One witness described the dancing as “dirty dancing.” Another witness said Hill was “very handsy” with Lobbyist 4 while they were dancing. Two witnesses said the dancing appeared to be consensual. Another witness, a male legislator, said he saw Hill put his hand down on Lobbyist 4’s “hind end.” The witness said he was stunned by what he saw but that Lobbyist 4 did not seem to be upset by it.

Investigators interviewed Lobbyist 4, who said Hill asked her to dance. She was concerned because he appeared inebriated. She said she does not remember him touching her in any way that was inappropriate, and she said she does not remember him grabbing her, except for dancing. She said that some of his moves were “like his Elvis thing” and he was dancing “suggestively.” She said that she was uncomfortable enough with the interaction that she did not want to dance with him again, and she asked her friend to help her if he came near again so she would not have to dance with him again.

Hill's Response to Allegations

During his recorded statement, Hill said it was difficult to address the allegations because of the nature of the allegations and because he was notified of them at the conclusion of a closed investigation. He notes that there are “four months of remembering that just sort of went by the wayside.” He said his general recollection is that the bar was very crowded and loud, and he talked to many people. He said he “often times had to embrace or get close to someone to hear what was being said or to make sure someone could hear” him.

Hill spoke about two specific incidents of touching women in his recorded statement. First, he said that he had a spot at the bar and in an effort to assist someone in getting a drink at the bar, he “pushed his hand on the back and moved them into the place at the bar.” Second, he said that the Legislator said something to him, which he could not hear, and he leaned forward and put his hand behind her back. He said he was “startled” because her back was bare. He stated that he “did not touch her buttocks at all.” In response to his attorney’s statement “at no time did you touch anyone inappropriately in your mind with any sexual or demeaning purpose,” Hill replied “absolutely not.”

Discussions at the OAG after the Sine Die Party

According to Hill’s recorded statement, the day after the sine die party ended or within the next couple of days, an OAG senior staff member (OAG Chief) came to Hill and said she received information that suggested Hill had said something at AJ’s that made someone uncomfortable and suggested he had touched someone on the back. Investigators interviewed the OAG Chief. She stated that a few days after the sine die party, she heard from a Deputy Attorney General (DAG) regarding Hill’s actions at AJ’s. The DAG stated that she had heard from another OAG staff member that Staffer 3 said Hill made a comment about showing some skin to get a drink. The OAG Chief also said she heard Hill put his hand on Staffer 3’s lower back.

Investigators interviewed the DAG and the other OAG staff member who was involved in this communication. The DAG said she was with the other OAG staff member on March 15, 2018, when the other OAG staff member received a phone call from Staffer 3. According to the DAG, Staffer 3 said Hill came up to the bar and was being “overly-flirtatious and a little aggressive with some of the girls there.” The DAG also heard that Staffer 3 said that Hill put his hand on the lower part of her back, and she got uncomfortable and moved away. She heard that he did it again, and Staffer 3 put her hand up to stop him. While her hand was on his to remove it, he lowered it down to her rear. The DAG said she relayed both of these incidents to the OAG Chief.

According to Hill’s statement and the OAG Chief’s interview with investigators, the OAG Chief asked Hill if he was at AJ’s for the sine die party, and he confirmed that he was. Hill also said the OAG Chief asked about whether he made a comment about showing some skin to get a drink. He told her he probably did say something about showing some skin, but he considered it a joke. Regarding the allegation that Hill had touched a woman on her lower back, the OAG Chief said Hill did not remember putting his hand on someone’s back, and Hill said he did not inappropriately touch anyone. The OAG Chief discussed the matter with one other OAG staff member, but she had no further discussions and made no further inquiries regarding these allegations.

IGA Review

Investigators interviewed fourteen witnesses, including six legislators, seven legislative staff members, and one OAG staff member, who were involved at some level in discussions that occurred on or after May 14, 2018, regarding allegations against Hill. Only two of the legislators and two of the staff members that were involved in these discussions attended the sine die party. Hill also spoke extensively about some of these discussions during his recorded statement.

One witness, a male legislator with the Indiana House of Representatives, explained that he first heard about the allegations on or about April 7, 2018. He said that both the Legislator and Staffer 2 told him that Hill put his hands on them. Specifically, the Legislator told him that Hill touched her on her sides and her back and slid his hand down towards her buttocks, and Staffer 2 told him that Hill touched her side. He told investigators that both women were uncomfortable with their interactions with Hill, but neither woman was “looking at making it a big issue.” The Legislator said she wanted to speak with leadership in the House of Representatives and asked this witness to go with her. They talked with the Speaker of the House and the House Minority Leader on May 14, 2018, which was the day the IGA met in special session.

A second witness, who was a male legislator with the Indiana Senate, said Staffer 3 approached him on May 14, 2018. He said she told him that Hill told her she had to show a little skin to get service and later put his hand down to her “hind end.” She told the legislator that she was uncomfortable with what happened especially because she did not really know Hill. The male legislator was at the sine die party, but he did not see Hill touch Staffer 3 on the hind end. After Staffer 3 told the legislator what happened, the legislator said he felt he had a responsibility to tell the Senate President Pro Tempore. He then spoke with the Senate President Pro Tempore about what Staffer 3 had told him.

After hearing about the allegations, the Speaker of the House approached the Senate President Pro Tempore. Several witnesses stated that all four Leaders of the IGA met on May 14, 2018, to discuss the allegations against Hill. One staff member said the Leaders looked at this as a human resources matter. Several witnesses said the Leaders decided to hire outside counsel. One of the Leaders said that their intent in hiring outside counsel was to make sure they did everything right by their employees under the sexual harassment laws. The Leader explained that some of their

specific questions included how to handle allegations against a non-legislative branch employee and whether allegations that took place at a bar with legislative employees falls under their sexual harassment laws or policy.

Another Leader said they decided they needed to get the statements of the alleged victims right away and find out what they wanted done. The OIG and IMPD investigators interviewed the two female House staffers who conducted the House interviews. One of the House staffers who conducted the interviews said, “she absolutely believed what [the witnesses] had to say.” She said these witnesses were nervous, young and early in their careers. The other female House staffer said she believed what the women were saying and felt that they had a clear memory of the evening. The female House staffers said they did not speak with the Legislator, and the Legislator confirmed this.

Investigators also interviewed the individuals who interviewed the two senate staff members who reported the events at the sine die party, Staffers 1 and 3. The Senate President Pro Tempore and a male staff member said they participated in interviews with both Staffers 1 and 3. The Senate Minority Leader and a female staffer said they sat in on the interview with Staffer 1. The Senate Minority Leader said that he absolutely believed that Staffers 1 and 3 were telling the truth. He said that they were reluctant to come forward, were nervous about their futures, and neither of them wanted their stories to become public. The staff member that attended both interviews provided his notes to outside counsel. Staffer 1 indicated that she and Staffer 3 had an opportunity to review the staff member’s notes and say whether they were accurate.

According to the Speaker of the House, he received a recommendation letter, dated June 18, 2018, from the outside law firm on June 21, 2018⁷. The letter contained a summary of the human

⁷ The Indianapolis Star published this letter on July 2, 2018. Media reports have referred to it as the Taft Report.

resources investigation made by the IGA, including a summary of the five interviews conducted by the staff members and/or legislators of the IGA. It also contained a legal analysis of the situation and answered specific questions that the IGA posed to the law firm.

The outside counsel letter did not address whether Hill had committed any crimes. According to the testimony of one IGA staff member, none of the women involved expressed an interest in filing a police report, and they wanted the incidents to remain private. Another IGA staff member said that he did not believe the IGA staff discussed criminal matters with outside counsel. One of the IGA Leaders said he does not recall any discussion on getting the police involved because the women wanted their accounts to remain private.

Investigators learned that the outside counsel never spoke with any of the alleged victims or any other witnesses; instead, the outside counsel relied on the notes they received from the staff members who conducted the interviews. The Legislator who alleged that Hill inappropriately touched her said that the summary of her interaction with Hill as described in the outside counsel's letter was not correct. She told investigators that she thinks when she told the leadership of the House that Hill put his hand on her skin, they thought she meant he reached under her dress, which was not correct. According to the Legislator, no one ever formally interviewed her prior to the OIG investigation. She believes the information in the outside counsel's letter came from her conversation with the leadership of the House. She said no one asked her to review the notes given to outside counsel or gave her the opportunity to review the outside counsel's letter.

According to both the Senate President Pro Tempore and the Speaker of the House (the Majority Leaders), they had planned to discuss the allegations with Hill on Monday, July 2, 2018, because they had a Legislative Council meeting that day. The Majority Leaders said they moved up their timetable when they received notice that the Indianapolis Star had a story of the accusations

against Hill. Through their staff, the Majority Leaders arranged for a conference call with Hill on Friday, June 29, 2018. The OAG staff member who helped arrange the call said he stayed on the line to listen to the call.

According to both of the Majority Leaders, the Speaker of the House told Hill about the specific allegations. According to Hill's recorded statement and the OAG staff member who was listening on the call, the Speaker of the House did not provide specific allegations and the information he provided was vague. The OAG staff member also said that Hill did not argue the point, but he was emphatic that he did not do anything inappropriate at AJ's that night. Both Majority Leaders told investigators that Hill said he had too much to drink at the party. According to one of the Majority Leaders, Hill also acknowledged his comment about showing some skin and said to anyone who was involved with his behavior he was "troubled and apologetic." The other Majority Leader said Hill stated, "to the extent that I was offensive to anyone, I didn't mean to be and I am sorry about that."

On Monday, July 2, 2018, all four Leaders of the IGA met with Hill in person to further discuss the allegations and to inform Hill that someone had leaked the outside counsel's letter to the Indianapolis Star⁸. Various other staff members also attended the meeting. The Leaders said that during this meeting, Hill's "attitude had hardened" since the phone call on Friday and he was "in defense mode" and "indignant and defensive." Three of the four Leaders⁹ said Hill asked for a copy of the outside counsel's letter, but the Leaders said they still considered the letter confidential and would not share it with Hill. The Leaders explained that they did not do a criminal investigation but instead did a human resources review to ensure they "did right by their employees."

⁸ One of the Leaders indicated that only the Leaders and their staff had access to the outside counsel's letter before it was leaked to the media. The OIG does not have jurisdiction over the legislative branch of state government; therefore, it did not investigate nor did it learn who leaked the letter.

⁹ The fourth Leader did not remember details of the meeting with Hill.

According to two of the IGA staff members involved in the human resources review, all of the women indicated that they were satisfied with how the IGA Leaders and staff handled the allegations. Another IGA staff member said that in the beginning the women only wanted the incidents to be brought to Hill's attention and wanted him "to knock it off." The Legislator said some of the women decided to come forward publicly when Hill called them "liars" and "showed no remorse." A legislator noted that one of the women did not want her name out; it was only after the story became public that she decided to come forward with her account.

On Monday, July 2, 2018, the Indianapolis Star published a story based on the outside counsel's letter, and the allegations became public. The Leaders asked the OIG to investigate the allegations shortly after the story became public.

Misuse of State Property and Ghost Employment Allegations

During the course of the investigation, the OIG also received and reviewed complaints alleging that Hill and certain members of his staff misused state property and state time to defend Hill against the allegations that he inappropriately touched women at the sine die party. The complaints pointed to two press releases¹⁰ that the OAG sent out on OAG letterhead with a state employee as the media contact person on each of the press releases. The OIG investigated these allegations because they implicated the criminal ghost employment statute, Ind. Code § 35-44.1-1-3, and the Code of Ethics misuse of state property and ghost employment rules, Ind. Code § 4-2-6-17 and 42 IAC 1-5-13.

The OIG interviewed three OAG staff members who were involved in the release of the press statements. Investigators interviewed the two members of the OAG's communications division, whose names were listed as the media contacts on the press releases. One of the staff members stated

¹⁰ In addition, the OAG sent out a third press release that linked to an attachment that the OAG had omitted from the second press release.

that he sat in on one meeting on his personal time during his second or third day as an employee with the OAG. Although his name was listed as the media contact on the press release, he said he was not involved in drafting or releasing the statement. The other staff member stated that he did not write any of the releases regarding the allegations against Hill and was not involved in any discussions regarding the press releases. He said his involvement was limited to pressing send through the email delivery system and possibly reading the releases for minor grammatical issues. He said he spent minutes on the releases. He provided investigators with copies of his emails showing that another OAG staff member (the Assistant) asked him to send out the releases. The emails came from the Assistant's personal email account.

Investigators also interviewed the Assistant who sent the releases to the staff member in the OAG communications division. The Assistant said he remembers sending the email for the first press release to the OAG staff member in the communications division, but he does not remember who gave it to him or why he used his personal email. With the second press release, he said he knows he was out of the office when he sent the press release, but he does not remember where he was. He said all the work that he did for Hill in response to the allegations was done on his personal time and outside the office. The Assistant told investigators that he was working voluntarily, off-site to help get through the situation.

In addition, Hill used his office in the State Capitol to conduct a media briefing on July 9, 2018 to respond to the allegations. He read from the communication released to the public from the official state delivery channel. The briefing lasted less than seven minutes.

The OIG also reviewed a copy of the OAG's Policy on Limited Use of State Property/Resources, which the OAG issued on March 6, 2017, and the State Ethics Commission approved on April 13, 2017. The Policy reads that the "occasional, non-official use of state property

or time that some may construe as outside the scope of the official business of the agency” should not be considered a violation of the Indiana Code of Ethics. All state executive branch agencies have some form of a written policy on use of state resources.

Conclusion

The OIG submitted its investigative records to the court appointed Special Prosecutor Dan Sigler for consideration of criminal charges of felony sexual battery and misdemeanor battery. On October 23, 2018, the Special Prosecutor filed his report in the Marion Court criminal court declining to file criminal charges of battery or sexual battery against Hill.

The IG determined that there was insufficient evidence to support a criminal charge of ghost employment. Due to the limited duration of the July 9 media briefing, as well as minor participation of state employees in the dissemination of the news releases, the IG concluded that the elements of the criminal offense of ghost employment were not present.

With respect to a possible ethics complaint for misuse of state property or ghost employment in this case, the IG determined that neither Hill nor any of the OAG staff engaged in anything more than a *de minimis* use of state time or property. Certain *de minimis* use of state property, such as non-political or non-commercial limited use, is allowable under the OAG Policy that the State Ethics Commission approved. The IG did not find any use that clearly fell outside of this policy. Thus the IG declines to file a complaint for misuse of state property or ghost employment with the State Ethics Commission.

Although the special prosecutor determined that the requisite criminal intent and statutory elements were not present to file criminal charges of sexual battery or battery, Hill’s behavior at the sine die party at AJ’s is well documented. Multiple eyewitnesses provided statements that Hill’s conduct was inappropriate, “creepy”, unwelcome, and made many of the women at the party

uncomfortable. Men and women from both parties, the political left and political right, provided accounts of what transpired that night. Many witnesses were lobbyists for particular industries and presumably have no particular allegiance to anything more than advancing their clients' interests. Although many of the witnesses said they did not see Hill interact with the women who made allegations against him, Hill was present at the party for more than three hours, the bar was crowded, and the interactions lasted from a few seconds to at most a few minutes.

Hill's state of intoxication also is supported by witness interviews, and it no doubt contributed to his actions at the bar. Although during his recorded statement Hill said he had only four or five drinks over a six or seven hour period, many witnesses, though not all, stated he was intoxicated.

The women affected indicated Hill's actions caused emotional distress, family distress and anger. At least one woman left the sine die party in tears, others were upset enough to actively avoid any contact with Hill the rest of the night, and still others sought the protection of men and other women who were there. Several men at the bar observed unwanted touching and offered to get involved, but the women present actually came to the aid of each other, and the women present discussed it the following days. All but one of the women who alleged Hill inappropriately touched them were in their 20's and new in their careers. This demonstrates the disparate power, influence, authority, and age that exists between Hill and the women who made allegations against him.

None of the women initially intended for the allegations to become public. One of the women said that the breaking point for the women who publicly came forward was when Hill issued his first media release via Twitter, stating that the allegations against him were "vicious and false" and at no time did he "touch or grab anyone inappropriately." Several days thereafter, he reiterated that he was falsely accused.

Hill publicly demanded a fair and full investigation. The interviews of fifty-six witnesses by special agents of the OIG, the opportunity for Hill to provide his own recorded statement, the participation of the IMPD Sex Offense Section in nearly every interview, and the assessment and analysis by a special prosecutor provided an unbiased, independent review of the events of that evening and events thereafter.

The public and others will judge whether the evidence in this case disqualifies Hill from holding elected office in the future. This investigation is now closed.

Dated: October 23, 2018

APPROVED BY:

A handwritten signature in black ink that reads "Lori Torres". The signature is written in a cursive, flowing style.

Lori Torres, Inspector General