

SUBJECT [REDACTED] Washington, D.C.		CASE NUMBER [REDACTED]
OFFICE CONDUCTING INVESTIGATION Fraud Detection Office		DOJ COMPONENT Office of Justice Programs
DISTRIBUTION		STATUS
<input checked="" type="checkbox"/> Field Office FDO <input checked="" type="checkbox"/> AIGINV <input checked="" type="checkbox"/> Component OJP <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, Office of the Inspector General (OIG) initiated this investigation upon the receipt of information received from the American Federation of State, County and Municipal Employees (AFSCME) 280, representing the Office of Justice Programs (OJP) employees, via email dated March 16, 2017. This information alleged that [REDACTED] sexually harassed, retaliated against, and abused his authority by coercing female employees in his chain of command to have sex with him.

In addition, during the course of the investigation, the OIG obtained information that [REDACTED] engaged in a sexual relationship [REDACTED] with [REDACTED], who worked for [REDACTED] supervised [REDACTED] and approved her performance evaluations and promotions during the period of time they were in a relationship.

The OIG investigation substantiated that [REDACTED] engaged in misconduct when he coerced his female subordinates into having sexual relations with him, had inappropriate relationships with his subordinates and sexually harassed female subordinates, all in violation of law, federal regulations, and DOJ policy.

Specifically, the OIG concluded that [REDACTED] (1) sexually harassed [REDACTED] when he pressured her into a sexual relationship with him in exchange for a promotion; (2) sexually harassed [REDACTED] when he made repeated verbal sexual advances to her and ultimately sexually assaulted her; and (3) sexually harassed [REDACTED] and [REDACTED] by engaging in sexually inappropriate conduct toward them. The OIG concluded that [REDACTED] actions constituted potential criminal violations, ethical misconduct in violation of *The Standards of Ethical Conduct for Employees of the Executive Branch* articulated in 5 CFR § 2635.101, "Basic Obligation of Public Service," and 5 CFR 2635.502, "Personal and Business Relationships," and a violation of regulations and

DATE	October 25, 2018	SIGNATURE	[REDACTED]
PREPARED BY SPECIAL AGENT			
DATE	October 25, 2018	SIGNATURE	
APPROVED BY SPECIAL AGENT IN CHARGE Lew F. Sessions			

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policy against sexual harassment, including 29 CFR § 1604.11 and the Attorney General’s Policy Memorandum #2015-04 (AG Memo) regarding Prevention of Harassment in the Workplace, and also a violation of regulations related to employee responsibilities and conduct and use of office for private gain.

The OIG further found that [REDACTED] conduct constituted sexual harassment of [REDACTED]. As [REDACTED] supervisor, their respective professional positions undermined the consensual nature of an unacknowledged personal relationship between a supervisor [REDACTED], and a subordinate. In addition, any such relationship potentially violates the public trust principles outlined in the *Standards of Ethical Conduct* that require supervisors to maintain impartiality in personnel matters involving their subordinates and to take appropriate steps, such as recusal from all matters involving the subordinates, to avoid an appearance of loss of impartiality in the performance of their duties. It was [REDACTED] responsibility, before attempting to pursue a relationship with [REDACTED], to notify his supervisor and recuse himself as her supervisor, to ensure that such conduct was not perceived by [REDACTED] explicitly or implicitly as a term or condition of her employment, and to ensure that her response to [REDACTED] overtures would not be used as the basis for employment decisions affecting her. We found that [REDACTED] did none of that.

The OIG further found that [REDACTED] lacked candor in his statements to the OIG.

The U.S. Attorney’s Office [REDACTED] declined criminal prosecution of [REDACTED]

[REDACTED]

[REDACTED] retired from his position at the OJP [REDACTED]

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

DETAILS OF THE INVESTIGATION

Predication

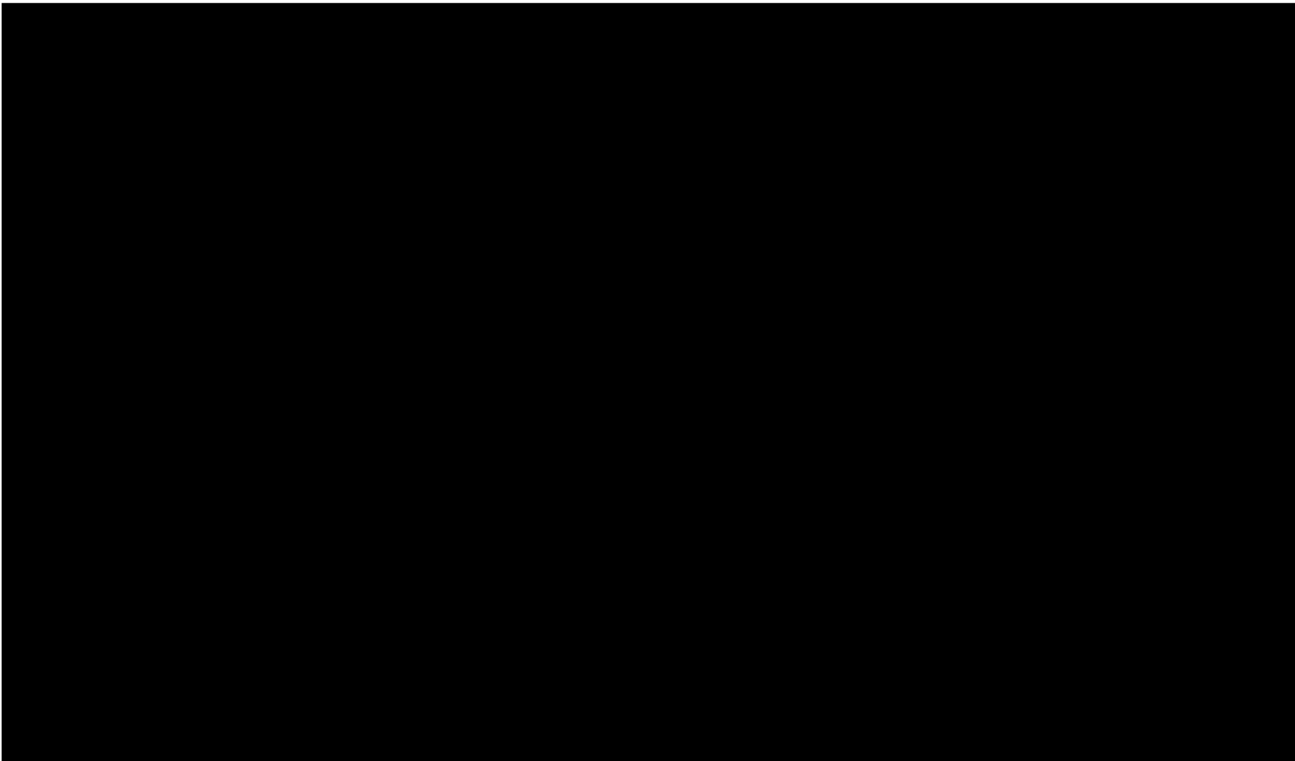
The Department of Justice, Office of the Inspector General (OIG) initiated this investigation upon the receipt of information received from the American Federation of State, County and Municipal Employees (AFSCME) 280, representing the Office of Justice Programs (OJP) employees, via email dated March 16, 2017. This information alleged that [REDACTED] sexually harassed, retaliated against, and abused his authority by coercing female employees in his chain of command to have sex with him.

During the course of the investigation, the OIG also received information that [REDACTED] had engaged in a sexual relationship from [REDACTED] with [REDACTED], who worked for [REDACTED]. [REDACTED] supervised, approved performance evaluations and promotions for [REDACTED].

Investigative Process

The OIG's investigative efforts consisted of the following:

Interviews of the following OJP personnel:



Review of the following:

- [REDACTED] OJP e-mail;
- Personnel files for [REDACTED], [REDACTED], [REDACTED], and [REDACTED];
- OJP Sexual Harassment Policies;
- OJP Ethics Policies;

- DOJ Preventing Workplace Harassment Training for Managers.

Relevant Authority

The Standards of Ethical Conduct for Employees of the Executive Branch, articulated in 5 CFR § 2635.101, “Basic Obligation of Public Service,” states in pertinent part the following:

(a) Public service is a public trust. Each employee has a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws and ethical principles above private gain. To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each employee shall respect and adhere to the principles of ethical conduct set forth in this section, as well as the implementing standards contained in this part and in supplemental agency regulations.

(b) General principles. The following general principles apply to every employee and may form the basis for the standards contained in this part. Where a situation is not covered by the standards set forth in this part, employees shall apply the principles set forth in this section in determining whether their conduct is proper.

(1) Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.

...

(8) Employees shall act impartially and not give preferential treatment to any private organization or individual.

...

(14) Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

5 CFR § 2635.502, “Personal and Business Relationships,” states in pertinent part the following:

(a) Consideration of appearances by the employee. Where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his household, or knows that a person with whom he has a covered relationship is or represents a party to such matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem and received authorization from the agency designee in accordance with paragraph (d) of this section.

(1) In considering whether a relationship would cause a reasonable person to question his impartiality, an employee may seek the assistance of his supervisor, an agency ethics official or the agency designee.

(2) An employee who is concerned that circumstances other than those specifically described in this section would raise a question regarding his impartiality should use the process described in this section to determine whether he should or should not participate in a particular matter.

29 CFR § 1604.11, "Sexual Harassment," states in pertinent part the following:

(a) Harassment on the basis of sex is a violation of section 703 of title VII. 1 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.

...

(b) In determining whether alleged conduct constitutes sexual harassment, the Commission will look at the record as a whole and at the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. The determination of the legality of a particular action will be made from the facts, on a case by case basis.

...

(d) With respect to conduct between fellow employees, an employer is responsible for acts of sexual harassment in the workplace where the employer (or its agents or supervisory employees) knows or should have known of the conduct, unless it can show that it took immediate and appropriate corrective action.

5 CFR § 735.203, "Employee Responsibilities and Conduct" states in pertinent part the following: "an employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government."

5 CFR § 2635.702, "Use of Public Office for Private Gain" states in pertinent part the following: "an employee shall not use or permit the use of 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, including a subordinate, to provide any benefit, financial or otherwise, to himself or to friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity."

The Attorney General's Policy Memorandum #2015-04 (AG Memo) regarding Prevention of Harassment in the Workplace states that "the Department will maintain a zero tolerance work environment that is free from harassment (including sexual harassment). . . . To enforce this zero tolerance policy, the Department will treat harassing conduct as misconduct" The AG Memo defines harassing conduct as any unwelcome verbal or physical conduct that is based on, among other characteristics, sex, when the conduct creates an intimidating, hostile, or offensive work environment.

██████████ Inappropriate Relationships, Sexual Harassment and Sexual Assault, and Lack of Candor

The information provided to the OIG specifically alleged that: (1) ██████████, ██████████ engaged in a sexual relationship with ██████████ while he served as her supervisor and approved her performance evaluations and promotions; (2) ██████████, ██████████ sexually harassed and sexually assaulted ██████████, when he made repeated verbal sexual advances to her and ultimately sexually assaulted her; (3) ██████████, ██████████ sexually harassed and sexually assaulted ██████████, when he pressured her into a sexual relationship with him in exchange for a promotion. During the OIG's investigation of these allegations, we received information that ██████████ sexually harassed ██████████, by engaging in sexually inappropriate conduct toward them.

[REDACTED]

The OIG telephonically interviewed [REDACTED]. [REDACTED] stated that she was uncomfortable discussing her relationship with [REDACTED] on the telephone, but would provide a letter she drafted [REDACTED] that contained the details of their relationship. In the letter, [REDACTED] said she began a sexual relationship with [REDACTED] in [REDACTED] and ended it in [REDACTED], and that [REDACTED] served as [REDACTED] supervisor throughout the course of the relationship.

[REDACTED] initially stated to the OIG that he did not have a sexual relationship with [REDACTED] and he did not have sex with her. When question by the OIG about detailed information that [REDACTED] provided in her letter to the OIG, [REDACTED] recanted his denial of a sexual relationship with [REDACTED] and admitted that he had a sexual relationship with her. [REDACTED]

[REDACTED] admitted to the OIG that he exercised bad judgment, especially in view of his position as an [REDACTED]. [REDACTED] admitted that he should not have been involved with his female subordinates in any way that would appear that he was violating ethical rules. [REDACTED] admitted further that he had inappropriate relationships with subordinates, and that his communications with them were unprofessional. Specifically, [REDACTED] acknowledged such inappropriate relationships and unprofessional communications with [REDACTED].

[REDACTED] told the OIG that [REDACTED] harassment of her [REDACTED], when she held the position of [REDACTED] and [REDACTED] was her second line supervisor. According to [REDACTED], [REDACTED] constantly made sexual advances towards her and she told him to knock it off. [REDACTED] stated that [REDACTED] always asked her questions about who she was dating or who she was always with and she had to purchase a mirror for her cubicle because [REDACTED] would always enter her cubicle and rub her shoulders while asking her to happy hour.

[REDACTED] further told the OIG that [REDACTED], [REDACTED] came into her cubicle and said that [REDACTED], [REDACTED], in addition to others, were going to a [REDACTED] game at [REDACTED] and asked if she would like to come. [REDACTED] had her own ticket to the game, and therefore her seats were separate from those of [REDACTED] and [REDACTED] stated she remembered they all met at a bar [REDACTED] for drinks before going to the [REDACTED] game together. [REDACTED] told the OIG that prior to the game ending, she left and went back to the garage at work to pick up her vehicle. [REDACTED] stated that when she drove up the garage ramp to leave, she noticed [REDACTED] was waiting in his vehicle across the street. [REDACTED] stated that [REDACTED] called her and said he was following her home because he knew she had been drinking. [REDACTED] stated she stopped at a store on the way home for water and [REDACTED] tried to use the restroom at the store. [REDACTED] stated that [REDACTED] said the store employees would not let him use their restroom, so he told [REDACTED] he wanted to use the restroom at her home. [REDACTED] stated after they arrived at her home, [REDACTED] asked her for a tour of her home and when they reached her bedroom, [REDACTED] stated [REDACTED] started touching her and she told him to knock it off repeatedly and then he became forceful. [REDACTED] stated [REDACTED] and sexually assaulted her by having sexual intercourse with her.

[REDACTED] told the OIG that she had extra box seats tickets to the [REDACTED] game [REDACTED] and invited [REDACTED] and [REDACTED], but only [REDACTED] accepted the invitation. [REDACTED] stated that she met [REDACTED] before the game to

have drinks and that when she arrived [REDACTED] was having drinks with [REDACTED]. [REDACTED] stated that after drinks, she and [REDACTED] walked [REDACTED] together, but [REDACTED] did not walk with them. She said she was not sure where [REDACTED] went after they arrived at the [REDACTED] as [REDACTED] had obtained her ticket separately and was not in the box with [REDACTED] and [REDACTED].

[REDACTED] told the OIG that he recalled in the [REDACTED], [REDACTED] invited him and [REDACTED] to a [REDACTED] game because she had extra box seat tickets. [REDACTED] stated he attended the game and [REDACTED] did not. [REDACTED] stated he recalled mentioning to [REDACTED] that he was going to the game and that she wanted to go. [REDACTED] stated he and [REDACTED] walked to a restaurant for drinks prior to the game and [REDACTED] arrived after them. [REDACTED] stated the game started around 7:00 pm and was over around 10:30 pm. [REDACTED] stated he watched the entire game from the seats with [REDACTED] and did not know when [REDACTED] left the [REDACTED] because she sat in a different place once they arrived in the arena. [REDACTED] stated that when he left the [REDACTED] he walked back to garage where his vehicle was parked. [REDACTED] stated he called [REDACTED] to check on her and made sure she was fine. [REDACTED] stated he could not recall if he called [REDACTED] before he went into the garage or after he came out of the garage. [REDACTED] stated that after the call, he drove home and did not see [REDACTED]. [REDACTED] stated he did not follow [REDACTED] home. [REDACTED] denied to the OIG that he sexually assaulted [REDACTED].

[REDACTED] told the OIG that she spoke with [REDACTED], and told [REDACTED] about [REDACTED] sexually harassing [REDACTED] her. [REDACTED] stated [REDACTED] advised her to speak with Human Resources and go on the record with the complaint. [REDACTED] stated that, thereafter, she spoke with [REDACTED] together in [REDACTED] office and informed both of them of the sexual harassment of her by [REDACTED] but told them that she did not want to go on the record. [REDACTED] told the OIG that she only reported to [REDACTED] and [REDACTED] about [REDACTED] sexual harassment of her. She said that she told them about [REDACTED] waiting outside the garage for her after the [REDACTED] game in the fall of [REDACTED], and suggested that they check for video, but she said she did not inform them of the sexual assault incident that occurred later that night at her apartment. [REDACTED] stated that [REDACTED] advised her to go on the record with the complaint involving [REDACTED].

In her interview with the OIG, [REDACTED] stated that in the [REDACTED], [REDACTED] came into her office and told her that she went to a [REDACTED] game [REDACTED] stated that [REDACTED] said after the game, she returned to the garage for her vehicle and when she came out of the garage to go home, [REDACTED] was in his vehicle waiting for her and followed her home [REDACTED] stated that without going into full details, [REDACTED] said [REDACTED] forced himself on her and sexually assaulted her. [REDACTED] informed [REDACTED] that she should report this information to her second line supervisor and asked why she waited so long to report this incident. [REDACTED] stated that [REDACTED] said she was embarrassed and could not report this to her supervisors. [REDACTED] stated that she told [REDACTED] if she could not report this information to her supervisors, then she should report it to Human Resources. [REDACTED] stated that she contacted [REDACTED] and informed him that she was told some very disturbing information by [REDACTED] and that [REDACTED] would be coming to see him to report the incident.

[REDACTED] told the OIG that, during a discussion with [REDACTED] about [REDACTED] request for a reasonable accommodation unrelated to matters involved in this investigation, [REDACTED] told [REDACTED] about [REDACTED] sexual harassment of her. [REDACTED] stated [REDACTED] informed him that she felt harassed by [REDACTED] when they were at a happy hour and [REDACTED] actions made her feel uncomfortable. [REDACTED] stated that he asked [REDACTED] if she wanted to report the incident to the Equal Employee Opportunity (EEO) staff; he said [REDACTED] said she did not want to do so. [REDACTED] stated [REDACTED] informed him she did not want to go on the record with this complaint. [REDACTED] stated he felt obligated to do something with the information so he told [REDACTED] who was [REDACTED] supervisor, and [REDACTED] second line supervisor. [REDACTED] stated he informed [REDACTED] that [REDACTED] did not want to report the incident and that [REDACTED] should talk with [REDACTED] and be

aware of his actions. [REDACTED] stated [REDACTED] reported back to him that she discussed the issue with [REDACTED] and [REDACTED] denied the allegations. [REDACTED] stated he also requested [REDACTED], to review [REDACTED] e-mail over the prior 2 years. [REDACTED] stated [REDACTED] reported back to him that no e-mails were found of any substance relating to sexual harassment involving [REDACTED]. [REDACTED] stated that he was aware of OJP sexual harassment policies where an inquiry or investigation would be conducted once a complaint was filed, but due to [REDACTED] declining to make an EEO complaint or otherwise go on the record, he felt he took the right steps when he reported the information involving [REDACTED] to [REDACTED] supervisor, [REDACTED]

In her interview with the OIG, [REDACTED] stated she was informed by [REDACTED] not [REDACTED] directly, that there was concerning behavior between [REDACTED] and [REDACTED]. [REDACTED] stated that [REDACTED] informed her about what [REDACTED] reported to him and that [REDACTED] declined to report the incident on the record. [REDACTED] stated that she and [REDACTED] met with [REDACTED] supervisor, to inform her of what [REDACTED] reported. [REDACTED] stated that [REDACTED] was instructed to talk with [REDACTED] and to watch his actions. [REDACTED] stated that she was instructed by [REDACTED] to review [REDACTED] e-mail for a 2-year period searching for e-mails involving [REDACTED] that may substantiate her report. [REDACTED] stated there were no e-mails found of any substance involving harassment of [REDACTED]. [REDACTED] stated that she informed [REDACTED] that no e-mail of substance involving [REDACTED] were found. [REDACTED] stated [REDACTED] informed her that she spoke with [REDACTED] and [REDACTED] denied making [REDACTED] feel uncomfortable. [REDACTED] also told the OIG that there was one time when she went to greet [REDACTED] by shaking his hand, and that when [REDACTED] shook [REDACTED] hand, he also winked at her. [REDACTED] stated she asked [REDACTED] if something was in his eye and instructed him not to wink at her ever again.

[REDACTED] confirmed to the OIG that, [REDACTED] informed her of an allegation of sexual harassment involving [REDACTED] and [REDACTED]. [REDACTED] stated she questioned [REDACTED] about the allegation and [REDACTED] swore to her nothing happened between him and [REDACTED]. [REDACTED] stated she was informed by HR that they searched [REDACTED] DOJ issued computer e-mail to verify if there were any questionable e-mail between him and [REDACTED], and that there were none.

In his interview with the OIG, [REDACTED] stated that he knew [REDACTED] for a long time and knew she had several problems and was going through a lot at home and work. [REDACTED] stated that he felt being there and listening to her was his way of helping her work things out. [REDACTED] stated he was being friendly to [REDACTED] and if she construed that as sexual harassment that was not his intent. [REDACTED] stated that he recalled [REDACTED] discussed a complaint with him from [REDACTED] involving an inappropriate e-mail he sent to her, but he was never told that [REDACTED] said he was sexually harassing her. [REDACTED] stated that the inappropriate e-mail that he sent talked about partying, and he could see how it was interpreted to mean something sexual.

Upon further questioning and confronting [REDACTED] with [REDACTED] assertion that [REDACTED] had sexual intercourse with her, [REDACTED] ultimately recanted his denials and admitted that he had sex with [REDACTED] at least twice while acting as her reviewing official, but [REDACTED] did not provide any further details about these instances.

[REDACTED] stated that one day after a meeting, [REDACTED] came up to her and said that his neighbor [REDACTED] events and the neighbor told [REDACTED] he saw [REDACTED] at the event. [REDACTED] stated that [REDACTED] then pulled out his cell phone and went to his neighbor's Facebook page and found a picture of [REDACTED]. [REDACTED] showed the picture to [REDACTED], and an unknown male who were standing near [REDACTED]. [REDACTED] stated the picture was of her [REDACTED] at the event and it made her very uncomfortable when [REDACTED] started showing the picture to everyone.

acknowledged to the OIG that he showed a picture of said he was not aware that it made feel uncomfortable.

told the OIG that harassment of her began in the and was her first line supervisor. stated that asked her into his office, closed the door, and discussed his work, her work, and how she was a good candidate for a position and then asked her out to a restaurant for drinks. stated that she had previously told that she was struggling financially and needed the promotion to an position. stated that going out for drinks with continued for 2 or 3 months during the stated that also took her to a topless bar near for drinks during this time. stated after a couple of drinks at the topless bar, asked her what sexual positions she enjoyed and stated she told to go to hell and left. stated that after that incident, she avoided stated that when was mad at her, he would criticize her work; she stated that when he was asking her out for drinks and sexually harassing her then he would indicate that her work was outstanding.

told the OIG that on she attended the Christmas party in stated she had a couple of drinks while at the party and at the end of the night offered to take her station to retrieve her vehicle. stated that talked about the positions and how he expected to receive funding for those positions in 2 or 3 months. stated that said he wanted to take her to a bar nearby, and felt she had no other choice but to go to the bar with because the promotion was near and she desperately wanted the promotion. stated that after they arrived at the bar, kept buying her drinks and she became upset and agitated because she knew he was going to pressure her for sex. stated that after having several drinks they left the bar and drove around until he found a dark area and parked. stated that grabbed her and kissed her and touched her breast and she pushed him away. stated that started talking about the promotions and at the end of the conversation, stated that she felt if she did not with then she would not receive her promotion.

. He also told the OIG that he did not recall taking for drinks over a period of several months during summer and fall, taking her to a topless bar, or asking her about sexual positions. further told the OIG that he recalled attending the Christmas party in . However, he said that he did not remember seeing at the Christmas party and that he did not interact with her at all that evening.

further stated that in, invited her to eat and drink at a restaurant prior to leaving for the day and then offered to drive her to station. stated that they left the restaurant because the weather was getting worse and attempted to drive to the station. stated that they drove for hours and then drove and stopped at a hotel. stated that told her to go inside and see if they could get a room because the weather had become worse. stated that the hotel was full and that then took towards her apartment. stated that they arrived at her apartment around midnight and asked to use her restroom. stated that once inside, started kissing and touching her and all she could think about were the upcoming position announcements. stated that she felt she had no other choice except to give into and have sexual intercourse.

In his interview with the OIG, stated that in, he recalled a snowstorm and believed asked him for a ride home because of the bad weather. stated that he and decided to go to a

restaurant to get something to eat and drink prior to leaving. [REDACTED] stated they left the office around 6:00 p.m. and tried several different routes before heading towards [REDACTED] home. [REDACTED] denied that he stopped at a hotel in [REDACTED] and told [REDACTED] go see if they could get a hotel room. [REDACTED] stated that when they arrived at [REDACTED] home, he did not ask to use her restroom. [REDACTED] stated that he believed he stopped at a gas station to use the restroom prior to arriving at [REDACTED] home. He said that he did not go inside [REDACTED] home. He denied having sex with [REDACTED].

[REDACTED] stated that [REDACTED], [REDACTED] asked her out for drinks and, because it was weeks away from the [REDACTED] promotions being announced, she felt she had no other choice but to accept his invitation. [REDACTED] stated that they left the bar and drove to a dead end street and parked. [REDACTED] stated that [REDACTED] started touching her, told her to take her pants off, and then crawled into her seat and had sexual intercourse with her.

[REDACTED] was promoted to [REDACTED] position [REDACTED]. [REDACTED] stated that, prior to her interview for the promotion, [REDACTED] shared the interview questions with her and informed her who would be on the interview panel. [REDACTED] stated after she was promoted, she was able to avoid doing anything with [REDACTED] other than having drinks with him occasionally at his request. [REDACTED] stated that, in an attempt to get away from working in the same office as [REDACTED] she eventually requested to permanently telework [REDACTED], but that her request was denied [REDACTED].

[REDACTED] stated around [REDACTED], she was promoted again [REDACTED], and [REDACTED] began approaching her again stating that if she had sex with him again, he could ensure that she would receive a grade promotion.

[REDACTED] denied to the OIG ever having sexual intercourse [REDACTED] and told the OIG that when [REDACTED] applied for the [REDACTED] position, he never showed her the interview questions or informed her who would be on the interview panel. [REDACTED] also told the OIG that he had a friendly relationship with [REDACTED], and she would come into his office and discuss her problems with him behind closed doors. [REDACTED] stated it was the nature of the job sometimes to be a counselor to the employees and just listen to them. [REDACTED] stated he felt like he was being targeted by [REDACTED] because she was denied a waiver to permanently telework [REDACTED]. [REDACTED] stated that [REDACTED] filed the sexual harassment claim right after she was denied the waiver.

[REDACTED] stated that in [REDACTED] [REDACTED] pressed her for personal information and informed [REDACTED] that he had access to her personnel file and knew where she had moved to. [REDACTED] stated that she was frightened and felt [REDACTED] was threatening her and that he would demand sex again or show up unannounced at her new home.

[REDACTED] stated she reported this information to the OIG because [REDACTED], [REDACTED] continued to try and intimidate her or link her solid work performance or her evaluations to doing whatever he wanted.

[REDACTED] told the OIG that [REDACTED] made her feel uncomfortable [REDACTED]. She said that she and [REDACTED] were in the elevator together and [REDACTED] just came out of nowhere and asked [REDACTED]. [REDACTED] stated she did not know how to react and felt very uncomfortable and when the elevator opened on her floor, she exited without saying anything to [REDACTED].

[REDACTED] told the OIG he had no recollection of any such incident.

Additional Statements by [REDACTED]

[REDACTED] told the OIG that having reviewed his emails that the OIG provided to him during his OIG interview and questioned him about, his communications with his female subordinates were unprofessional and he never meant to disrespect, disregard or violate any ethics rules. [REDACTED] stated his communications with his female subordinates were probably too friendly and were unprofessional, but that was not his intent, and he could see why his e-mail communications were in question.

In response to OIG questions, [REDACTED] stated it was not a common practice for him to enter his subordinates' cubicles and rub their shoulders while speaking with them. [REDACTED] also stated it was not a common practice for him to discuss what his female subordinates were wearing and how nice they looked or to discuss with them their favorite sexual position, as both [REDACTED] and [REDACTED] stated that [REDACTED] did.

OIG's Conclusion

The OIG found [REDACTED] to be credible witnesses. Their reporting was detailed and specific; they demonstrate a common course of conduct by [REDACTED] with no evidence of their having consulted with each other about their experiences. [REDACTED] account in particular is supported by her communication of the events to OJP management closer in time to their occurrence. The accounts of the complainants corroborate each other's accounts of [REDACTED] misconduct. By contrast, [REDACTED] lacked credibility as demonstrated by his own conflicting testimony to the OIG. He initially denied any relationship with [REDACTED] and [REDACTED], but when confronted with evidence, admitted to having had sexual contact with both subordinates. He also persistently minimized his misconduct and failed to demonstrate any recognition of or appreciation for the seriousness of his actions as a senior manager.

The OIG further found that [REDACTED] conduct constituted sexual harassment of [REDACTED]. As [REDACTED] supervisor, their respective professional positions undermined the consensual nature of an unacknowledged personal relationship between a supervisor, here the [REDACTED], and a subordinate. In addition, any such relationship potentially violates the public trust principles outlined in the *Standards of Ethical Conduct* that require supervisors to maintain impartiality in personnel matters involving their subordinates and to take appropriate steps, such as recusal from all matters involving the subordinates, to avoid an appearance of loss of impartiality in the performance of their duties. It was [REDACTED] responsibility, before attempting to pursue a relationship with [REDACTED], to notify his supervisor and recuse himself as her supervisor, to ensure that such conduct was not perceived by [REDACTED] explicitly or implicitly as a term or condition of her employment, and to ensure that her response to [REDACTED] overtures would not be used as the basis for employment decisions affecting her. We found that [REDACTED] did none of that.

The OIG concluded that [REDACTED] engaged in the misconduct as alleged, including that (1) [REDACTED] sexually harassed [REDACTED] when he pressured her into a sexual relationship with him in exchange for a promotion; (2) [REDACTED] sexually harassed [REDACTED] when he made repeated verbal sexual advances to her and ultimately sexually assaulted her; and (3) [REDACTED] sexually harassed [REDACTED] and [REDACTED], by engaging in sexually inappropriate conduct toward them. The OIG concluded that [REDACTED] actions constituted ethical misconduct in violation of *The Standards of Ethical Conduct for Employees of the Executive Branch* articulated in 5 CFR § 2635.101, "Basic Obligation of Public Service," and 5 CFR 2635.502, "Personal and Business Relationships," and a violation of regulations and policy against sexual harassment, including 29 CFR § 1604.11 and the Attorney General's Policy Memorandum #2015-04 (AG Memo) regarding Prevention of Harassment in the Workplace and also a violation of regulations related to employee responsibilities and conduct and use of office for private gain.

The U.S. Attorney's Office [REDACTED] declined criminal prosecution of [REDACTED]

