

# Report of Investigation Concerning Teresa Carlson, Acting Deputy Assistant Director of the Federal Bureau of Investigation

**REDACTED**



Office of the Inspector General  
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## I. INTRODUCTION

On July 13, 2012, Justin Slaby, a telecommunications specialist with the Critical Incident Response Group's Hostage Rescue Team at the Federal Bureau of Investigation (FBI), filed a disability discrimination complaint under the Rehabilitation Act of 1973, 29 U.S.C. § 791, *et seq.*, against Attorney General Eric Holder. The complaint alleged that the FBI refused to consider reasonable accommodations such as the use of a prosthesis for Slaby, an Army veteran who lost his left hand when a grenade prematurely detonated, and wrongly disqualified him as a New Agent Trainee at the FBI Academy in Quantico, Virginia. *See Slaby v. Holder*, 12-cv-01235 (E.D. Va.).

In May 2013, Slaby's attorney filed a pleading in the litigation and subsequently submitted a complaint to the Office of the Inspector General (OIG) alleging that Teresa Carlson, the Special Agent in Charge (SAC) of the FBI's Milwaukee Field Office, had tampered with a witness in a civil case and attempted to suborn perjury. In early June 2013, the FBI Inspection Division also contacted the OIG concerning allegations that Carlson had tried to influence the testimony of Special Agent (SA) Mark Crider in a deposition for the *Slaby* lawsuit. During the course of our investigation, we received an allegation that in a separate incident, Carlson had admonished another agent in the Milwaukee Field Office for providing information to FBI inspectors about the office's communications with local law enforcement in connection with a mass shooting at a Sikh temple in August 2012.<sup>1</sup>

To investigate these matters, the OIG interviewed Crider and attorneys from the FBI's Office of the General Counsel, including former General Counsel Andrew Weissmann and Deputy General Counsel Thomas Bondy. We also interviewed employees from the FBI's Milwaukee Field Office with direct knowledge of the allegations against Carlson, including the agent whom Carlson allegedly admonished in the separate incident. In addition, we reviewed handwritten notes and e-mails that witnesses provided to the OIG, as well as thousands of additional e-mails the FBI produced to the OIG in response to our request.

We also sought a voluntary interview from Carlson. However, through counsel, Carlson declined to be interviewed unless the OIG compelled her attendance, which we subsequently did.

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<sup>1</sup> On August 5, 2012, a white supremacist fatally shot six individuals and wounded several others at a Sikh temple in Oak Creek, Wisconsin. The FBI's Milwaukee Field Office led the investigation.

This report describes the results of our investigation. Section II of this report contains our factual findings and describes the sequence of events from Crider being noticed for a deposition in the *Slaby* litigation, to his meeting with Carlson during which she allegedly made the statements that are the basis of Crider's complaint, to Carlson's meetings with government attorneys prior to a hearing on Slaby's motion about her alleged witness tampering. Section II also describes how Carlson reacted to what an agent told FBI inspectors about the Milwaukee Field Office's handling of the Sikh temple shooting. Section III contains our analysis, and Section IV contains our conclusions. This report contains redactions of information that the FBI and the U.S. Attorney's Office for the Eastern District of Virginia asserted is protected by the attorney-client privilege or attorney work-product doctrine, or that the FBI determined is law enforcement sensitive or that the redactions are necessary to protect the privacy of individuals. In addition, the OIG made a limited number of redactions to protect the privacy interest of an individual.

In sum, we concluded that Carlson conducted herself unprofessionally and exhibited extremely poor judgment when she made statements to Crider relating to his deposition in the *Slaby* lawsuit. We also concluded that Carlson's statements to Crider created the appearance that she was attempting to improperly influence his deposition testimony. We similarly concluded that Carlson's conduct was highly inappropriate and reflected a troubling lack of judgment when she admonished a Supervisory Senior Resident Agent for his comments to an FBI inspection team about the Milwaukee Field Office's handling of the Sikh temple shooting. We found that Carlson's conduct created the appearance that she discouraged her subordinates from speaking candidly with inspectors. We are referring our findings of Carlson's conduct to the FBI for a determination of whether disciplinary or other administrative action is warranted.

## **II. OIG FACTUAL FINDINGS**

Slaby's discrimination complaint was litigated in the U.S. District Court for the Eastern District of Virginia. The Civil Division of the U.S. Attorney's Office for the Eastern District of Virginia (U.S. Attorney's Office) had primary responsibility for defending the government in this litigation. An Assistant General Counsel in the FBI Office of General Counsel (OGC), whom we will refer to in this report as "the FBI Assistant General Counsel," was assigned to the case as agency counsel. An OGC unit chief ("the FBI OGC Unit Chief") supervised the FBI Assistant General Counsel on this matter.

We begin this section by describing events that took place the day Crider was noticed for a deposition in the *Slaby* case – April 3, 2013 –

including the statements Carlson allegedly made to Crider that are the basis of Crider's complaint against her. We then describe subsequent events that are relevant to the veracity of Crider's allegations and to our assessment of Carlson's conduct, including Carlson's statements to the Milwaukee Field Office's Chief Division Counsel and to attorneys from the U.S. Attorney's Office and FBI who met with Carlson in advance of her possible testimony at the hearing about her alleged witness tampering.

**A. April 3, 2013, Events Related to SA Crider's Deposition**

**1. SA Crider Noticed for a Deposition in *Slaby v. Holder***

On April 3, 2013, the FBI Assistant General Counsel sent the CDC of the FBI's Milwaukee Field Office ("the CDC") an e-mail to request her assistance in scheduling Crider's deposition in the *Slaby* case. At the time of the alleged incident, Crider was the acting supervisor of Squad 8, handling investigations of cyber intrusions in the FBI's Milwaukee Field Office. According to Crider, the CDC telephoned him on the morning of April 3, to tell him that he had been noticed for the deposition and that he needed to schedule a time for it. Crider told the CDC later that morning that he had some concerns about the scope of his deposition testimony and what he was allowed to say during the deposition, and that he would "feel more comfortable" speaking to the Assistant U.S. Attorney (AUSA) or the OGC attorney about it. The CDC told the OIG that Crider had procedural questions about the deposition – "the nuts and bolts of the deposition" – and the CDC suggested that they contact the FBI Assistant General Counsel since the OGC was involved in the litigation.

Together, the CDC and Crider had a telephone conversation with the FBI Assistant General Counsel later that day. According to Crider's recollection of the conversation, he told the FBI Assistant General Counsel and the CDC that he attended a class at Quantico in 2011, at the same time that Slaby was at Quantico undergoing a "medical hold process" after having been removed from New Agent Training.<sup>2</sup> Crider recounted to the FBI Assistant General Counsel and the CDC that after his time at Quantico, former Milwaukee Field Office SAC Nancy McNamara and one of the Assistant Special Agents in Charge ("the ASAC") accused him of training Slaby while at Quantico, which Crider denied. Crider also told the FBI Assistant General Counsel and the CDC that he felt like someone had been following him during his time at Quantico in 2011, and that people with

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<sup>2</sup> The government described Slaby's "medical recycle" status in its motion for summary judgment. According to that pleading, Slaby "was removed from training while he was given the opportunity to make adjustments or modifications to his prosthetic that would enable him to complete training."

whom he had interacted at Quantico had been questioned about their connection to him.

Both Crider and the FBI Assistant General Counsel told the OIG that during this telephone call, Crider expressed concerns as to whether he could be referred to the FBI's Office of Professional Responsibility (OPR) for his deposition testimony. Crider told the OIG that he was worried about "repercussions" from his testimony, though he "had no idea what . . . could or would be done to me . . . ."

According to both Crider and the FBI Assistant General Counsel, the FBI Assistant General Counsel told Crider that he was not testifying on behalf of the FBI, that his testimony was his own, and that the FBI expected him to testify truthfully. According to Crider, the FBI Assistant General Counsel also told him that there would be no repercussions for giving truthful testimony. Crider told the OIG that the CDC was not "overly concerned" about his deposition testimony, and that after he spoke to the FBI Assistant General Counsel and the CDC, he felt "at ease" about his deposition, though he was not looking forward to it.

The CDC told the OIG that she viewed the telephone conversation "as almost handing it off to the OGC . . . because [she] wasn't deeply involved in the litigation." The CDC stated that her primary concern during the phone call was to impress upon Crider the importance of telling the truth in the deposition. Crider also told the OIG that at some point before his deposition, which may or may not have been during the telephone call with the FBI Assistant General Counsel, the CDC told him to tell the truth. The CDC told us that after her conversation with Crider, she did not have any concerns that Crider would testify untruthfully at the deposition.

## **2. SA Crider Reports Deposition Notice to SAC Carlson**

On or about the same day Crider spoke to the FBI Assistant General Counsel and the CDC about the deposition notice in the *Slaby* litigation, he also spoke to Carlson about the matter. We received conflicting accounts from Crider and Carlson as to what was said during their conversation and therefore describe each person's recollection of events in turn.

### **a. SA Crider**

Crider told the OIG that it is standard procedure at the FBI to notify a supervisor anytime an employee expects to be out of the office. He said that the same day he spoke to the FBI Assistant General Counsel and the CDC, he attempted to inform his direct supervisor, the ASAC, that he would be traveling for the *Slaby* deposition but the ASAC was out of the office on official business. Crider therefore decided to report his upcoming travel to

Carlson. Crider had not previously had any conversations with Carlson about the *Slaby* case.

When Crider arrived at the SAC's office, Carlson was outside of her office near her secretary's desk. According to Crider, when he told Carlson about his upcoming travel for a deposition in a civil case, she inquired what the deposition was regarding. Crider said he told Carlson that he was being deposed in the *Slaby* lawsuit and that Carlson then asked him to come into her office, which he did. Crider told the OIG that Carlson sat behind her desk, and he sat in a chair opposite her desk.

According to Crider, Carlson proceeded to ask him about the nature of his deposition testimony. Crider told Carlson that he had not been informed what he would be asked at the deposition, only that he needed to be available for a deposition. Crider told the OIG that Carlson then asked what the extent of his involvement with Slaby had been. Crider told Carlson he had administered one or two of Slaby's physical fitness tests and had provided Slaby weapons for an occupational skills test that FBI Headquarters had requested.

Crider told the OIG that Carlson then "essentially [proceeded in] a monologue" that included the following statements about Slaby:

- Slaby should never be an agent because he is disabled;
- Slaby should be happy with the FBI jobs that he has been offered and the one he currently holds;
- Slaby was ruining his good reputation by bringing a lawsuit against the FBI;
- Slaby would never be allowed to return to the FBI Academy; and
- FBI Headquarters was not happy with the Milwaukee Field Office for sponsoring Slaby as a special agent.<sup>3</sup>

Crider told the OIG that Carlson also stated to him that his testimony should support the FBI's position that Slaby should not be an agent and that it would be in Crider's best interest to come down on the side of the FBI. Crider gave similar descriptions of Carlson's remarks in his testimony in court proceedings for the *Slaby* case. At his deposition, Crider testified that Carlson told him that "it would be in [his] best interest . . . to come down on the side of the government in this matter." At an evidentiary

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<sup>3</sup> According to the government's motion for summary judgment in the *Slaby* matter, "Per FBI policy, part of the initial processing of a prospective FBI Special Agent's application is conducted by the FBI Field Office nearest to the applicant's home, which in this case was the FBI Milwaukee Field Office."

hearing, Crider testified again that Carlson told him that “it would be in [his] best interest to come down on the side of the FBI.”<sup>4</sup>

Crider told the OIG that the only comment he made to Carlson after her statements was that he saw himself as “Joe Friday and should just give the facts.” When the OIG asked Crider about Carlson’s demeanor during this conversation, Crider stated, “I would describe it as a typical subordinate-superior – I wouldn’t describe it as a conversation. It was, she was telling me.” Crider told the OIG that he was “somewhat in shock [and] [i]t threw [him] completely off guard[,]” hearing Carlson make the statements about Slaby.

Crider told the OIG that he interpreted Carlson’s statements as, “I needed to fall in step with what she had just told me, that [Slaby] shouldn’t be an agent[,]” and that “[i]t would be best for . . . me in every facet of my life if I came down on the side of the FBI.” At the time of his conversation with Carlson, Crider was serving as the acting supervisor for a squad, but he told the OIG that he was interested in becoming the squad’s permanent supervisor and that he believed Carlson knew this. Crider told us that he interpreted Carlson’s statements on April 3 as a “direct threat” concerning the supervisory position for which Carlson knew Crider would apply.<sup>5</sup>

Crider told the OIG that his meeting with Carlson lasted “long enough to be uncomfortable.” He further told us that in his testimony in the deposition and evidentiary hearing, he had not been consistent about how long the meeting lasted, but said his best estimate is somewhere between 20 and 30 minutes.<sup>6</sup>

#### **b. SAC Carlson**

The OIG asked Carlson about her relationship with Crider prior to her conversation with him concerning his deposition in the *Slaby* lawsuit.

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<sup>4</sup> In a 1-page typed memorandum that Crider drafted shortly after his conversation with Carlson, he wrote that Carlson told him that “it would be in my best interest to come down on the side of the FBI.” This memorandum is attached as Appendix A.

<sup>5</sup> Crider told the OIG that he did not think that the supervisory role on Squad 8 had been posted as either a stationary or non-stationary desk at the time of his conversation with Carlson, but that the position eventually was posted as a stationary desk and Crider was not selected for it. Crider appealed his non-selection to the Special Agents Mid-Management Selection (SAMMS) Board Appeals Committee. The Committee heard Crider’s appeal on November 5, 2013, and concluded that no violation of SAMMS Board policies or procedures occurred in Crider’s non-selection for the supervisory position.

<sup>6</sup> At his deposition, Crider testified that his meeting with Carlson lasted approximately 30 minutes. At the evidentiary hearing, Crider testified that the meeting lasted approximately 10 to 20 minutes.



Carlson stated that she rarely had interactions with Crider because “GS-13 street agents rarely get up to the SAC’s office, and when they do it’s because they have a big case or they have something going on. . . . [Crider] doesn’t [REDACTED], so he’s never . . . up in the front office.” Carlson characterized Crider as someone in the “[REDACTED].” Carlson also stated that Crider had [REDACTED]. The OIG asked Carlson if she had been aware of any issues that Crider had with her prior to their conversation about his deposition, and Carlson stated, “If he did, I did not know it. . . . [REDACTED].” Carlson told the OIG that she only had a few conversations with Crider prior to their discussion about the *Slaby* lawsuit, including a conversation sometime in 2012 about his interest in a management position.

According to Carlson, on the day of her conversation with Crider about his deposition in the *Slaby* matter, she had returned to her office late in the day and noticed Crider sitting in “the outer area” of her office.<sup>7</sup> Carlson assumed that Crider was there about an unrelated personal matter that they had recently discussed. Carlson stated that Crider followed her into her office and started telling her “about some civil suit that he’s going to give a deposition in.” Carlson told us that she did not invite Crider to sit down, and that she stood next to her desk and Crider stood in front of her desk. Carlson stated that her conversation with Crider was very brief and lasted “maybe five to 10 minutes.”

Carlson told us that she does not remember if Crider referred to Slaby by name, and that even if Crider had, she would not have known Slaby by name at that time. Carlson told us that she was able to figure out from the context of the conversation that the lawsuit involved “the same employee that I heard about that had wanted to come to Milwaukee on the Mobile Surveillance Team.”<sup>8</sup> Carlson told us that she tailored questions to Crider

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<sup>7</sup> Carlson told the OIG that she does not believe her conversation with Crider was on April 3. We describe her recollection about the date of the meeting more fully in Section II.A.5 of this report.

<sup>8</sup> Carlson told the OIG that she had briefly heard of Slaby, “not by name or any details,” prior to her conversation with Crider. Carlson stated that sometime in the spring or summer of 2012, she was briefed on the Milwaukee Mobile Surveillance Team. She said that someone, though she cannot recall who, mentioned a “pretty bad personnel issue on the team” and said that a vacancy on the team should be filled by “somebody good” to help alleviate some stress. That person mentioned that a Critical Incident Response Group (CIRG) employee had “failed out of New Agents Training” and wanted the spot on the team. When Carlson asked for more information about the CIRG employee, she was told that he had one hand and failed out of training. Carlson said she also recalled asking a CIRG executive in the spring or summer 2012 about Slaby (though not by name) and his interest in coming to Milwaukee’s Mobile Surveillance Team. The CIRG executive said that Slaby

(Cont’d.)

to try to determine the purpose of his visit, although Carlson never explicitly asked Crider why he came to see her that day.

Carlson told us that she does not remember the exact wording or the exact order of the questions she posed to Crider, but “in essence” asked him what his role was in the litigation and what involvement he had with Slaby. According to Carlson, Crider told her that he gave Slaby the “FIT” test, but did not give him any firearms tests. Carlson recalled that she asked Crider if he was the applicant coordinator for Slaby or if he had recruited Slaby, and Crider replied no.

Carlson stated that she never asked Crider about his testimony or about the “nature of the lawsuit.” Carlson told the OIG that she “[a]bsolutely [did] not” tell Crider that Slaby should not be an agent because he is handicapped or disabled. When the OIG asked Carlson if she ever told Crider that Slaby should be happy with the FBI job he had been offered, Carlson responded, “[n]ever.” When the OIG asked Carlson whether she told Crider that Slaby was ruining his reputation by bringing a lawsuit against the FBI, Carlson responded, “I may have . . . [but] I don’t remember that specifically.” Carlson told the OIG that “I definitely remember saying something about this is a shame because I heard [Slaby] was a good kid. I remember saying something to that effect.”

When the OIG asked Carlson if she told Crider that Slaby would never be allowed to return to the FBI Academy, Carlson responded, “Absolutely not. I didn’t even know that was at issue.” The OIG also asked Carlson if she told Crider that FBI Headquarters was not happy with the Milwaukee Field Office for sponsoring Slaby’s application, and Carlson replied, “No. . . . I’ve never talked to anybody at FBI Headquarters about it. Nor have I talked to anyone at the Training Division about it[.]” However, Carlson told us that, “I may have said, and I don’t remember this, but . . . I think I can hear myself saying something like ‘Wow, like I bet Training Division is not happy with Milwaukee,’ . . . [but] I have never heard that.”

The OIG asked Carlson if she ever told Crider that his testimony should support the FBI’s position that Slaby should not be an agent, and Carlson responded, “No. I don’t even know what the FBI’s position [is] – I know now, but at the time I didn’t even know what the FBI’s position was.” Carlson firmly denied telling Crider that it would be in his best interest to come down on the side of the FBI or come down on the side of the government. When the OIG asked Carlson whether she tried to intimidate, threaten, or persuade Crider to testify a certain way at the deposition,

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was a good kid, but that he was no longer interested in being on the Mobile Surveillance Team or going to Milwaukee.

Carlson responded, "Absolutely not. . . . I told him [to] just tell the truth." Carlson told us that because Crider was [REDACTED], she told him to "just tell the truth" and "don't do anything stupid," to which Crider responded, "[Y]ep, got it, just the facts." Carlson told us that she was concerned that Crider might not testify truthfully [REDACTED]. After Crider left her office, Carlson thought, "that was really weird" and that Crider must be "[REDACTED]."

According to Carlson, there is no FBI policy requiring an agent to report to his or her supervisor about testifying in a case. Carlson told us that no other agents or FBI employees have ever informed her of when they are testifying in a criminal or civil case, even in big cases. Carlson stated that "testifying is part of our job, and we do it for a living. . . . [I]t's extremely unusual for [Crider] to be even coming in [to my office] and talking to me about this."<sup>9</sup>

Carlson told us that she did not take any notes of her meeting with Crider.

### **3. SA Crider Immediately Reports SAC Carlson's Comments to the CDC**

Crider told the OIG that immediately after he left Carlson's office, he walked down the hall to the CDC's office and informed the CDC of what had just transpired. According to Crider, he "relayed the events of what happened, pretty much as they're outlined in [his 1-page memorandum]," which Crider drafted shortly after his meeting with Carlson and after he spoke to the CDC and a Supervisory Special Agent ("the SSA") from the Milwaukee Field Office. We have attached a copy of Crider's memorandum to this report as Appendix A. As described more fully below, these notes represent Crider's memorialization of the events of April 3, from the time Crider was notified about his deposition in the *Slaby* matter to Crider's reporting of Carlson's comments to the CDC and the SSA. Crider said he told the CDC that "[he] just wanted her to know what had happened." Crider told the OIG that the CDC offered to talk to Carlson, but Crider "made it very clear to [the CDC] that [he] did not think that was in [his] best interest, nor did [he] think that would do any good, given the circumstances of what happened."

Crider told the OIG that the CDC appeared to be "somewhat unperturbed" by what Crider had told her, although the CDC did tell Crider

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<sup>9</sup> The ASAC told the OIG that he had to approve Crider's travel for the *Slaby* deposition. The ASAC stated that he and Crider never discussed the substance of what he would be testifying to.

that Carlson “shouldn’t do that” and that Crider should testify truthfully. Crider also told the OIG that he thought he had reported an administrative and possibly criminal violation to the CDC, though he did not state this belief to her. Crider said the CDC did not ask him to memorialize his conversation with Carlson, did not ask him to file any official paperwork, and did not state that she would need to report the incident. Crider also told the OIG that one reason he documented the incident with Carlson in his memorandum was because he thought that the CDC was not going to do anything about it. On the other hand, Crider also told us that he assumed the CDC would report the incident to the FBI’s OPR, though he never had a “direct conversation” with her about reporting the matter.<sup>10</sup>

According to the CDC, Crider asked her a “narrow question” following his conversation with Carlson about whether he could suffer adverse consequences for his testimony at the deposition. The CDC told the OIG that she remembered Crider telling her that Carlson told him to “come down on the right side.” The CDC said she was concerned by what Crider told her and thought Carlson’s statement was “a stupid thing to say.” However, the CDC also said she did not believe Carlson’s statement was “an actual attempt to change [Crider’s] testimony” because the lawsuit did not involve Carlson and the events alleged in the lawsuit occurred before Carlson became SAC of the Milwaukee Field Office. The CDC told the OIG that Carlson “is prone to making off-the-cuff remarks that if she would think it through, she would know this is not the kind of thing you say.”

The CDC said she offered to meet with Carlson to “clear the air” and “clarify this issue,” but that Crider declined. The CDC told the OIG that she did not know why Crider did not want her to talk to Carlson about the statements. The CDC stated that Crider’s demeanor appeared “normal” to her and that he was not agitated during their conversation. The CDC also told the OIG that Crider “seemed to respond positively to the reiteration of . . . [‘just go and you tell the truth, you testify honestly.’]”

#### **4. SA Crider Informs the SSA about SAC Carlson’s Statements**

According to Crider, after he told the CDC about Carlson’s statements, he sought out the SSA, a former Associate Division Counsel who at that time was an acting supervisor in the Milwaukee Field Office.<sup>11</sup> Crider told the OIG that he went to the SSA as a friend.

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<sup>10</sup> According to FBI records, Crider reported the April 3 incident with Carlson to the Inspection Division on May 24, 2013.

<sup>11</sup> The SSA is currently the Supervisory Special Agent of a squad in the Milwaukee Field Office. The SSA was the Associate Division Counsel for a year and a half and is still

(Cont’d.)

Crider told the OIG that he “outlined” to the SSA what had occurred with Carlson in a “quick, maybe five-minute conversation.” Crider said he did not provide the SSA with the same level of detail about Carlson’s statements that he had provided to the CDC. According to Crider, the SSA was “shocked” to hear about the comments Carlson had made. Crider told the OIG that he did not expect the SSA to report the incident to the FBI’s OPR.

The SSA told the OIG that Crider stated that he had been notified about the *Slaby* deposition, that he wanted to let the Front Office know he would be traveling for it, and that after first attempting to inform the ASAC, he approached Carlson. According to the SSA, Crider said that Carlson told him that his testimony should benefit the government and stated reasons why she did not believe Slaby should be an agent. The SSA also stated that Crider said he told Carlson that he was “Joe Friday” and would simply state the facts at the deposition. The SSA told us that Crider “seemed upset by the conversation” with Carlson. The SSA also told the OIG, “I believe [Crider] had made a reference that he felt that [Carlson] was essentially instructing him on how . . . he should testify.”

According to the SSA, he recommended that Crider document what had occurred, which he told us is general advice that he gives anyone who comes to his office.<sup>12</sup> The SSA also told us that he did not think he needed to report the incident to anyone because he believed Crider had contacted the “right channels” by informing the CDC of Carlson’s statements.

## **5. SA Crider Memorializes Events of April 3, 2013**

As noted above, Crider memorialized the events leading up to his April 3 conversation with Carlson, the conversation itself, and some of the aftermath of the conversation in a 1-page typed memorandum that he saved on one of his work computers. Crider told the OIG that neither the SSA nor the CDC had suggested that he memorialize his conversation with Carlson, but he recalled telling the SSA that he was going back to his desk to document what had transpired.

Crider also told the OIG that he memorialized the conversation because as a trained investigator he documents conversations that are

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part of the FBI’s legal program. The SSA told us that he “cover[s]” for the CDC when she is out of the office.

<sup>12</sup> The SSA told the OIG that Crider gave him a copy of the document memorializing Crider’s April 3 discussion with Carlson in early July 2013, and then again on the morning of the SSA’s interview with the OIG, which occurred on July 12, 2013. The SSA told us that he had reviewed the document when Crider first gave it to him, but did not review it again before his OIG interview.

“evidentiary in nature” and he thought the conversation might come out in his deposition or at trial. Crider said he drafted the document within one hour of meeting with Carlson. Crider told us he did not provide the document to anyone until after his deposition, at which time he provided it to the U.S. Attorney’s Office and to the FBI Assistant General Counsel. Crider said that he also provided a copy to his attorney and to the SSA at some point after the deposition. Crider told the OIG that he never considered giving a copy to the CDC because he assumed that the CDC would report the incident to OPR and then OPR would contact him. However, as noted earlier, Crider also told us that one reason he documented the incident with Carlson was because he thought that the CDC was not going to do anything about it.

Carlson told the OIG that her attorney in the *Slaby* litigation provided her with a copy of Crider’s 1-page memorandum in July 2013.<sup>13</sup> Carlson stated that Crider’s document is “not accurate, it’s not true, and . . . it’s wrong.” Specifically, Carlson told us that Crider incorrectly documented the date and time of their meeting as happening about 1:15 p.m. on April 3, 2013. According to Carlson, she was preparing for and handling media inquiries about a high-profile case on April 3, 2013. Carlson provided the OIG with her calendar entries from April 3; two pages of a visitor’s log (Form FD-426) from the FBI’s Milwaukee Field Office from April 3; and two pages of Carlson’s handwritten notes from her daily journal/record that are dated April 3.

According to Carlson, she had two interviews with local news stations in the afternoon of April 3, which would have prevented her from talking to Crider at the time he recorded in his memorandum. The documents corroborate Carlson’s testimony to us that she had many appointments on April 3, but the visitor log shows there was a break in time between the departure of one news crew and the arrival of the second news crew from 1:35 p.m. to 2:00 p.m. When the OIG asked Carlson if she could have spoken to Crider during that break, Carlson told us that her public affairs specialist was in her office during that time, offering comments about the first interview and prepping her for the second interview. Carlson also stated that Crider did not meet with her after her second interview because she was talking with her public affairs specialist and [REDACTED]. Although Carlson said she does not recall when she spoke to Crider, she is certain it was not on April 3.<sup>14</sup>

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<sup>13</sup> The attorney who represented Carlson in the *Slaby* litigation is not the same attorney representing her in the OIG matter.

<sup>14</sup> Carlson did not memorialize in her daily journal/record that she met with Crider on April 3. We asked Carlson if she had a journal/record entry from any day showing that she spoke to Crider about the *Slaby* deposition, and Carlson told us that she did not.

Carlson also told us that Crider “wrote down [in] a memo that I said things that clearly weren’t said. There’s no factual basis for them, and they don’t make sense, and . . . the basis of the conversation [I had with Crider was that] I had nothing to do with this.” According to Carlson, one example is Crider’s notation that Carlson referenced specific FBI jobs that Slaby had been offered, but Carlson told us, “I don’t even know if that’s accurate. I have never heard any of that.”

## **6. SAC Carlson Discloses Her Conversation with SA Crider to the CDC**

After Carlson and Crider spoke about the *Slaby* lawsuit, Carlson mentioned the meeting to the CDC. We received conflicting accounts from the CDC and Carlson about the substance of that conversation and therefore discuss each person’s account of the conversation in turn.

### **a. The CDC**

The CDC stated to us that after Crider told her about Carlson’s statements, she “mull[ed] [over] how to approach this because [Crider] had already expressed his desire for [her] not to . . . talk to [Carlson] about what he had said.” Later that day, Carlson briefly mentioned to the CDC that she had a conversation with Crider about his upcoming deposition testimony. The CDC told us that Carlson is her supervisor and that they touch base with one another on a daily basis. The CDC said she did not disclose to Carlson that Crider had already informed her about their conversation.

The CDC said the “gist” of what Carlson stated to her was that Carlson had told Crider “don’t say anything crazy and come down on the right side” in his deposition. The CDC told the OIG that she admonished Carlson by telling her, “[Y]ou cannot say things like that . . . you have nothing to do with this. Just stay out of it. . . . Agent Crider is going to the deposition. He has to testify, and he has to testify honestly. Just stay away from this.” According to the CDC, Carlson “looked vaguely surprised. And then she kind of looked thoughtful, and then [responded] [‘yeah, okay, yeah.’]” The CDC said that Carlson “seemed to accept [the admonition] with good grace” and also seemed to acknowledge that her comments to Crider were imprudent. However, the CDC also stated that she did not believe that Carlson “recognized the seriousness of how [her comments to Crider] could be perceived” and that Carlson likely viewed telling the CDC about the conversation as a “point of interest.”

The CDC told the OIG that from what she recalled, Carlson’s version and Crider’s version of the conversation corroborated each other. The CDC also told us that she believed Carlson made a “really ill-advised comment” and that she had concerns Crider might have the perception that he could

be retaliated against for his testimony, but that she did not believe Carlson had made an actual threat. The CDC said that because Carlson informed her about the conversation with Crider in such an “offhand[ed] way” and that Carlson was not seeking legal advice, the CDC did not interpret Carlson’s conversation with Crider as a threat nor did the CDC get a sense that Carlson had any intention to retaliate against Crider.

The CDC told us that after hearing from both Crider and Carlson about their conversation, she was confident Crider would testify truthfully at the deposition and that Carlson would refrain from getting involved, and therefore did not contact anyone in the Employment Law Unit at FBI Headquarters. However, the CDC also told us that “hindsight being 20-20, I wish I had. . . . I could not imagine what actually unfolded.” The CDC stated that if she “had recognized the alleged scope of this conversation, there would have been red flags all over, and yes, [she] would have been getting Employment Law and Civil Lit involved.” The CDC told the OIG that it “didn’t even cross [her] mind” to reach out to OPR or the OIG.

**a. SAC Carlson**

According to Carlson, “within a day or so” of her conversation with Crider about the *Slaby* matter, she mentioned it to the CDC. As Carlson recalled, she brought up the topic of Crider’s visit after she and the CDC had been meeting in Carlson’s office. As the two were leaving Carlson’s office, Carlson “started to tell [the CDC] that . . . Crider [was] [REDACTED]. He came to see me to talk about this.” According to Carlson, the CDC “stopped in the doorway. She stopped, which was odd, because we’re walking and talking. And she stopped and looked at me, and she immediately cut me off and said ‘Stay out of it. Stay out of it. [OGC’s] got it.’” Carlson also stated that the CDC told her, “You have nothing to do with this.” Carlson recalled to the OIG that she “looked at [the CDC] like, this is very odd now.”

The OIG asked Carlson what she precisely told the CDC, and Carlson stated, “I didn’t tell her anything. I didn’t get to. I didn’t, I mean I literally raised it, and [the CDC] cut me off.” Carlson denied that she told the CDC that she had told Crider not to do anything crazy and to come down on the right side. Carlson also denied that the CDC said that Carlson cannot say things like that to Crider, stating that “we never discussed what I said or what he said.” Carlson told the OIG that she did not memorialize her conversation with the CDC, which only lasted “literally 10 seconds.” Carlson told us that she was not seeking legal advice when she mentioned her conversation with Crider to the CDC.

The OIG asked Carlson what her purpose was in mentioning her conversation with Crider to the CDC, and Carlson stated that the CDC was



her “bounce-off” person whom she trusted, and that the two would often share “things that were frustrating” at work. Carlson told the OIG that because she thought Crider was “[REDACTED],” she shared this concern with the CDC.

Carlson also told us that the CDC never mentioned that Crider had already told her about his conversation with Carlson. Carlson stated that if the CDC had, then “we would have called [Crider] in with her, the ASAC, myself, and made it very clear, you better tell the truth, the whole truth, and nothing but the truth.”

Carlson told us that sometime in June or July 2013 she read the CDC’s testimony from an evidentiary hearing in the *Slaby* litigation, and that she disagrees with some aspects of it. Carlson stated that the CDC did not “admonish” her, but instead told her to “stay out of it.” Carlson again denied that she told the CDC that she had said to Crider to come down on the right side. Carlson told us, “I may have said I told Crider [‘]don’t do anything stupid.[’] I may have said that. I didn’t say go testify a certain way.” Carlson agreed with the CDC’s characterization of her comment as “off-the-cuff,” and that Carlson raised the issue to the CDC.

## **B. SA Crider’s Deposition and Aftermath**

### **1. SA Crider’s Deposition Preparation**

On May 15, 2013, Crider spoke with the FBI Assistant General Counsel and an AUSA in the Eastern District of Virginia (“the AUSA”) who was one of the defense counsel in the *Slaby* civil litigation. The purpose of the telephone call was to prepare Crider for his deposition the following day in the civil litigation. According to the FBI Assistant General Counsel, Crider [REDACTED]

[REDACTED]. The FBI Assistant General Counsel told the OIG that Crider mentioned [REDACTED]

[REDACTED]. As the FBI Assistant General Counsel recalled, Crider stated that [REDACTED]

Crider also told the attorneys that [REDACTED]

[REDACTED]. The FBI Assistant General Counsel told the OIG that both he and the AUSA told Crider that [REDACTED]

[REDACTED]. The AUSA [REDACTED] and told Crider [REDACTED]

[REDACTED]. The FBI Assistant General Counsel told [REDACTED]

the OIG that the AUSA's [REDACTED]

.”

The FBI Assistant General Counsel stated that the U.S. Attorney's Office's approach to the information from Crider was “[REDACTED].” The FBI Assistant General Counsel said that based on Crider's description of events, he did not have the impression that [REDACTED]

[REDACTED]. The FBI Assistant General Counsel also said [REDACTED]

[REDACTED]. The FBI Assistant General Counsel said he informed the Unit Chiefs for the Employment Law Units about Crider's concerns, one of whom was the FBI OGC Unit Chief who supervised him on the *Slaby* litigation. The FBI Assistant General Counsel said he could not recall whether he informed the FBI OGC Unit Chief before or after the deposition, but does recall telling the other Unit Chief prior to the deposition. The FBI OGC Unit Chief told the OIG that she did not recall learning about Carlson's conversation with Crider until after Crider's deposition.

## **2. SA Crider's Deposition**

Crider was deposed in the *Slaby* case on May 16, 2013. The AUSA defended the deposition for the government, and the FBI Assistant General Counsel was present. Crider testified during the deposition that Carlson brought him into her office for a 30-minute conversation during which Carlson told him that Slaby was “ruining his reputation by bringing a lawsuit, [Slaby] should be happy that he . . . [is] employed by the FBI and [that Slaby] has no business being an agent and that it would be in [Crider's] best interest . . . to come down on the side of the government in this matter.”

The FBI Assistant General Counsel told the OIG that [REDACTED]

[REDACTED]. The FBI Assistant General Counsel also told the OIG that immediately after Crider's deposition concluded, Slaby's counsel demanded to know who Carlson was and wanted to go to Milwaukee immediately to depose her. After the deposition, the FBI Assistant General Counsel notified the FBI OGC Unit Chief and Deputy General Counsel Bondy of Crider's testimony concerning Carlson. Bondy and the FBI Assistant General Counsel then notified FBI General Counsel Andrew Weissmann.

**3. SAC Carlson Describes Her Conversation with SA Crider to the FBI's General Counsel Andrew Weissmann and the FBI Assistant General Counsel**

Shortly after learning about Crider's deposition testimony, Weissmann called Carlson to discuss the matter. The FBI Assistant General Counsel participated on the call and took notes. We received conflicting evidence concerning the substance of the discussion that took place and therefore describe each person's account of the conversation in turn.

**a. Weissmann and the FBI Assistant General Counsel**

Weissmann told the OIG that he took Crider's allegations about Carlson "incredibly seriously" and that he and the FBI Assistant General Counsel had a telephone call with Carlson on May 16, 2013, the same day as the deposition, to discuss Crider's deposition testimony and to provide her with an opportunity to respond. Weissmann told the OIG that this call lasted approximately 10 minutes. The FBI Assistant General Counsel's contemporaneous notes from the call reflect the following discussion.

Weissmann advised Carlson that at a deposition earlier that day, Crider testified that Carlson had made certain inappropriate remarks to him, specifically that Carlson had told Crider: "(1) Slaby was ruining his reputation by suing the FBI; (2) Slaby had no business being a Special Agent[;] and (3) it was in Crider's best interests to come down on the side of the government in this matter."<sup>15</sup>

According to the FBI Assistant General Counsel's notes, Carlson responded that Crider's description of her statements was not accurate and then proceeded to walk Weissmann and the FBI Assistant General Counsel through the conversation she had with Crider. Carlson said that when Crider came to her office to inform her of the deposition, she asked him about the case. Carlson stated that when Crider mentioned Slaby, she had a vague recollection that Slaby had been interested in working in the Milwaukee Field Office as part of a Mobile Surveillance Team, but never did. Carlson stated that she asked Crider about his connection to Slaby, and he told her that he had conducted Slaby's "FIT" test before Slaby went to Quantico. Carlson told Weissmann and the FBI Assistant General Counsel that she questioned Crider about how Slaby could have passed the test, and Crider stated that Slaby changed his prosthetic.

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<sup>15</sup> The FBI Assistant General Counsel told the OIG that at the time of this call, OGC had not yet received Crider's 1-page memorandum memorializing his conversation with Carlson.

Also according to the FBI Assistant General Counsel's notes, Carlson said that Crider told her that the FBI's Training Division was angry about the Slaby situation and that she responded that she could understand why. She wondered how Slaby could "get through medical and everything and come to Quantico" and stated that the Slaby situation made the Milwaukee Field Office look bad. Carlson also told Crider that she wondered why Slaby would sue the FBI since the FBI had given Slaby a job in which she had heard he was performing well. Crider told Carlson that he "had no dog in this fight," and that he had only given Slaby the "FIT" test. Carlson told Weissmann and the FBI Assistant General Counsel that Crider downplayed the significance of his testimony for the lawsuit.

The FBI Assistant General Counsel's notes also reflect that Carlson denied to Weissmann and the FBI Assistant General Counsel that she told Crider it was in his best interest to testify a certain way or come down on the side of the FBI. Carlson stated to Weissmann and the FBI Assistant General Counsel that she told Crider, "[T]he only way it is a big deal is if people give whacky testimony and I get a phone call[,]" so she told him to not "do anything stupid." Carlson also said that her conversation with Crider was only a couple of minutes, and that she told Crider to "testify truthfully and come back," and to be "honest, straightforward, and factual."

According to the FBI Assistant General Counsel's notes, Carlson also told Weissmann and the FBI Assistant General Counsel that Crider is a smart person and that she was not surprised by his allegations because he likes to "[REDACTED]." In addition, Weissmann and the FBI Assistant General Counsel told the OIG that Carlson asserted that Crider [REDACTED]. Weissmann ended the call by cautioning Carlson not to take any retaliatory steps against Crider for making these allegations.

**b. SAC Carlson**

Carlson told us that Weissmann called her about the *Slaby* litigation, but that Carlson at first did not know what Weissmann was referring to. According to Carlson, Weissmann told her that Crider had testified in a deposition and then Weissmann told her the "generic allegation" that she had tried to intimidate Crider. According to Carlson's contemporaneous, handwritten notes of the conversation, the FBI Assistant General Counsel was also on the call.

Carlson told us that she denied to Weissmann and the FBI Assistant General Counsel that she tried to influence Crider's testimony. Carlson also stated to Weissmann and the FBI Assistant General Counsel that Crider had told her that he had "no relevant testimony" and that he had "nothing to do with firearms." According to Carlson, she also told Weissmann and

the FBI Assistant General Counsel that she had “nothing to do with [the *Slaby*] litigation,” and had “no motive . . . [and] no interest whatsoever,” so she had “absolutely no reason to” try to influence Crider’s testimony. Carlson stated that because Crider had told her that he did not have any relevant testimony to give, then “[w]hat on earth testimony would I be trying to get [Crider] to change? It doesn’t make sense.”

Carlson told us that Weissmann told her that a judge may look into her conversation with Crider and “lecture[d]” her about not treating Crider any differently. Carlson also recalled that Weissmann told her that since there may be a hearing on the issue that she should not discuss it.

Carlson told us that she “never described what I said to Agent Crider to Weissmann.” The OIG asked Carlson if she had told Weissmann during their telephone conversation that she had told Crider, “The only way it is a big deal is if people give whacky testimony and I get a phone call. Don’t do anything stupid.” Carlson denied making this statement. Carlson stated that to the contrary, Weissmann never asked her to detail her conversation with Crider because Weissmann was “clear” that he “wanted to not be a witness in this.” The OIG asked Carlson if she shared with Weissmann that she told Crider to “testify truthfully and come back” and to be “honest, straightforward, and factual.” Carlson told us that she did not remember making that statement. The OIG asked Carlson if she told Weissmann that Crider liked to “[REDACTED],” and Carlson replied, “I may have. I don’t remember it, but . . . [Crider] does like to [REDACTED].” The OIG asked Carlson if she told Weissmann that “Crider [REDACTED],” and Carlson replied that she does not remember making that statement.

#### **4. FBI OGC’s Next Steps**

On the same day as the deposition and telephone call with Carlson, the FBI OGC notified the FBI Inspection Division of Crider’s allegations against Carlson. Weissmann told the OIG that he also informed then-FBI Director Robert Mueller and then-FBI Deputy Director Sean Joyce of the allegations. FBI OGC received the transcript of Crider’s deposition the following day and provided it to the Inspection Division, and shortly thereafter obtained a copy of Crider’s 1-page memorandum.

At the end of May, Bondy and others at OGC spoke to the CDC about her conversations with Crider and told us that [REDACTED]. According to notes that the FBI OGC Unit Chief took during one of her conversations with the CDC, the CDC recalled that Carlson stated that she told Crider, “you need to come down on the right side.” Bondy told the OIG that [REDACTED]

[REDACTED], but the CDC explained to him that [REDACTED]. The FBI OGC Unit Chief and the FBI Assistant General Counsel also told the OIG that [REDACTED].

[REDACTED]. But as the FBI OGC Unit Chief told the OIG, [REDACTED].

### **C. Slaby Files Emergency Motion in *Slaby v. Holder***

On May 17, 2013, the day after the Crider deposition, Slaby filed an Emergency Motion Related to Witness Tampering and Request for a Show Cause Hearing as to Sanctions. The motion alleged that Carlson tried to interfere with Crider's deposition testimony by engaging in witness tampering and attempting to suborn perjury. On May 20, 2013, Weissmann e-mailed Carlson to inform her of the motion and to provide her with a copy of it.

In this section, we describe the two meetings that government attorneys had with Carlson prior to the evidentiary hearing on Slaby's motion and the events that occurred on the day of the hearing.

#### **1. Meetings to Prepare for Evidentiary Hearing**

To prepare for the evidentiary hearing on Slaby's emergency motion, which was scheduled for June 12, 2013, attorneys from the U.S. Attorney's Office and the FBI's OGC met separately with Crider, the CDC, the SSA, and Carlson. Crider's statements to the attorneys during these meetings were [REDACTED].

[REDACTED]. The statements that the CDC and the SSA provided in their meetings with the attorneys [REDACTED]. Carlson participated in two in-person meetings – one on June 7, 2013, and the other on June 11, 2013. We describe each meeting below.

##### **a. June 7, 2013, Meeting**

###### **(1) FBI OGC Attorneys**

On June 7, 2013, Carlson participated in a 3-hour meeting at FBI Headquarters with two AUSAs from the U.S. Attorney's Office for the Eastern District of Virginia and attorneys from FBI OGC.<sup>16</sup> Weissmann told

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<sup>16</sup> The following attorneys participated in Carlson's meeting on June 7, 2013: the Chief of the Civil Division of the U.S. Attorney's Office for the Eastern District of Virginia; a Special AUSA; and Weissmann, Bondy, and the FBI OGC Unit Chief from the FBI. The session was held in the FBI's OGC conference room.

the OIG that he attended the beginning of the session “to impart the seriousness of the matter” to Carlson. According to Weissmann, he told Carlson that “it was extremely important for her to be 100 percent candid,” and that she should assume that her conversation with Crider had been taped, although Weissmann told her that he had no reason to believe that it had been. Weissmann also told Carlson that OGC was not her counsel.<sup>17</sup>

After Weissmann departed, the Chief of the Civil Division of the U.S. Attorney’s Office for the Eastern District of Virginia (“the USAO Civil Chief”) ran the session. According to Bondy and the FBI OGC Unit Chief, Carlson told the attorneys that [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED] . Bondy recalled that Carlson expressed

[REDACTED] . Carlson also stated that

[REDACTED] . Both Bondy and the FBI OGC Unit Chief told the OIG that Carlson stated that [REDACTED]

According to Bondy, Carlson [REDACTED]

[REDACTED] . Carlson stated

[REDACTED] . Carlson stated that

[REDACTED] . On the other hand, Carlson also asserted that she had told the OIG that [REDACTED]

[REDACTED] . Bondy

Bondy also stated that Carlson said [REDACTED]

[REDACTED] . The FBI OGC Unit Chief told us that Carlson

[REDACTED] . According

to the FBI OGC Unit Chief, Carlson said, “[REDACTED]

[REDACTED] .”  
Bondy told the OIG that Carlson said that [REDACTED]

[REDACTED] . Carlson remarked at one point, “[REDACTED]

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<sup>17</sup> Bondy told the OIG that prior to the meeting with Carlson, he told Carlson that she was entitled to retain counsel at her own expense and that OGC represents the FBI and not her personally.

[REDACTED]” Bondy and the FBI OGC Unit Chief told the OIG that Carlson said that [REDACTED]

[REDACTED]” According to Bondy, Carlson also said that [REDACTED]

[REDACTED] . Bondy told the OIG that Carlson [REDACTED]

[REDACTED] [.]” Bondy and the FBI OGC Unit Chief told us that [REDACTED]

Carlson told the attorneys at the meeting that [REDACTED]

Carlson stated that [REDACTED]

[REDACTED] . Carlson also told the attorneys that [REDACTED]

[REDACTED] . According to Bondy, Carlson stated that [REDACTED]

[REDACTED] . In fact, according to Bondy, Carlson said that [REDACTED]

With respect to her April 3 meeting with Crider, Carlson told the attorneys that [REDACTED]

According to Bondy and the FBI OGC Unit Chief, Carlson told the attorneys that [REDACTED]

Carlson told the attorneys that [REDACTED]

[REDACTED] . Carlson told the attorneys that [REDACTED]

[REDACTED]” Carlson told the attorneys that [REDACTED]

[REDACTED] . According to Bondy, Carlson told the attorneys, “ [REDACTED]

As Bondy told the OIG, the USAO Civil Chief explicitly asked Carlson [REDACTED] ,” and Carlson stated, [REDACTED]



“ [REDACTED] .” According to the USAO Civil Chief’s notes, [REDACTED] .” Bondy told us that Carlson also stated that [REDACTED] . Bondy told the OIG that the attorneys were [REDACTED] .

Carlson told the attorneys [REDACTED] . Carlson also stated that [REDACTED] . Carlson explained to the attorneys that [REDACTED] .”

Carlson told the attorneys that, [REDACTED] .” Carlson told the attorneys that [REDACTED] . Carlson told the attorneys that any [REDACTED] .”

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Carlson told the attorneys that [REDACTED] . Carlson also told the attorneys that [REDACTED] . Carlson told the attorneys that [REDACTED] . When an attorney asked [REDACTED] , Carlson stated, “ [REDACTED] .”

At the end of the meeting, Carlson told the attorneys that [REDACTED] .” Carlson then asked the [REDACTED] .” Bondy told the OIG [REDACTED] . Carlson told the attorneys again that [REDACTED] . Bondy told us that Carlson was [REDACTED] .

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<sup>18</sup> As described below, the CDC testified at an evidentiary hearing in the *Slaby* matter on June 12, 2013, and the FBI waived the privilege.

“ [REDACTED] .

Bondy told the OIG that Carlson requested to speak to Weissmann after the meeting; hence, Carlson, Weissmann, and Bondy met in Weissmann’s office. Weissmann told the OIG that Carlson started the conversation by complaining about the FBI’s pilot project of opening attorney positions in the field to both agents and non-agents. Carlson told the attorneys that the program was unpopular and that she felt like the OGC was anti-SAC. Carlson then raised the issue of whether the CDC should be able to testify at a hearing due to the attorney-client privilege and strongly urged OGC not to waive the privilege.

The government attorneys told us that they ultimately decided not to call Carlson as a witness at the evidentiary hearing.

**(2) SAC Carlson**

Carlson told the OIG that she flew to Washington, D.C., from Milwaukee to meet with government attorneys to prepare for testifying at the *Slaby* hearing. Carlson stated that she met with a “whole bunch of lawyers” from OGC and the U.S. Attorney’s Office, including Bondy and the USAO Civil Chief. Carlson said she did not recall Weissmann being present, but remembered meeting him before the session. Carlson told us that she did not take any notes at this meeting.

We asked Carlson if she told the attorneys that [REDACTED] [REDACTED], and Carlson replied, “[REDACTED].” We also asked Carlson if she told the attorneys [REDACTED], and Carlson also replied, “[REDACTED].”

We asked Carlson if she told the attorneys that [REDACTED]. Carlson stated that [REDACTED].” According to Carlson, she told the government attorneys that [REDACTED].” Carlson told us that she told the attorneys, “[REDACTED].”

[REDACTED]

[REDACTED]”

We also asked Carlson if she told the attorneys that [REDACTED]. Carlson replied, “ [REDACTED] .” When we asked Carlson if she told the attorneys, in reference to Slaby, [REDACTED] Carlson replied, “ [REDACTED] .” We asked Carlson if she told the attorneys that [REDACTED] [REDACTED] ,” and Carlson replied, “ [REDACTED] .”

We asked Carlson whether she remembered an attorney asking her whether [REDACTED] ,” and Carlson stated that [REDACTED] [REDACTED] . We then asked Carlson whether she told the attorneys in response to that question that, “ [REDACTED] [REDACTED] ,” and Carlson told us, “ [REDACTED] .”

We asked Carlson whether [REDACTED] . Carlson stated that she told the attorneys that [REDACTED] . Carlson also admitted to telling the attorneys that [REDACTED] .<sup>19</sup>

We asked Carlson whether she told the attorneys that [REDACTED] .” Carlson replied, “ [REDACTED] .” Carlson further stated that, [REDACTED] [REDACTED] .”

Carlson told us that she told the attorneys that [REDACTED] . Carlson stated that she thought she was being helpful to the attorneys by [REDACTED] and that [REDACTED]

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<sup>19</sup> We asked Carlson if she told the attorneys [REDACTED] ,” and Carlson replied, “ [REDACTED] .”

she was being “too candid with my own lawyers.” Carlson said that “[i]t never occurred to me that anyone would take [Crider’s allegations] seriously.”

**b. June 11, 2013, Meeting**

**(1) FBI OGC Attorneys**

On June 11, 2013, Carlson participated in a second meeting with government attorneys at the U.S. Attorney’s Office.<sup>20</sup> Immediately prior to this session, the Assistant Director of the FBI Inspection Division informed Carlson that the OIG had opened an investigation into Crider’s allegations and that she was the subject of the investigation. Bondy said that Carlson seemed shocked that the matter had been referred to the OIG. Bondy also told the OIG that [REDACTED].

According to Bondy, at the start of the session, Carlson told the attorneys [REDACTED]. Bondy told us that Carlson continued by stating that [REDACTED]. Bondy also stated that Carlson told the attorneys that [REDACTED]. As Bondy recalled to us, Carlson said that [REDACTED].

After Carlson made these comments, the attorneys asked her to [REDACTED]. According to Bondy, Carlson told the attorneys that [REDACTED]. Carlson told the attorneys that [REDACTED]. Carlson then qualified her statement to the attorneys, telling them that [REDACTED]. Carlson told the attorneys that [REDACTED].

According to Bondy, Carlson stated to the attorneys that [REDACTED]. Carlson told the attorneys that [REDACTED].

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<sup>20</sup> According to Bondy, the attorneys included the FBI OGC Unit Chief, the FBI Assistant General Counsel, the USAO Civil Chief, two other AUSAs, and himself. The FBI Assistant General Counsel told the OIG that he did not participate in any of the meetings with Carlson that were in preparation for the evidentiary hearing.

[REDACTED] . Carlson also told [REDACTED]  
[REDACTED] . According to Bondy, Carlson [REDACTED]  
[REDACTED] . Carlson told the attorneys that [REDACTED]  
Carlson told the attorneys that [REDACTED]  
[REDACTED] .

According to Bondy, Carlson stated that [REDACTED]  
[REDACTED] . Carlson also  
told the attorneys that [REDACTED]  
[REDACTED] .”

Carlson stated to the attorneys that [REDACTED]  
[REDACTED] . Carlson reiterated to the attorneys that [REDACTED]  
[REDACTED] . Carlson also told the  
attorneys that [REDACTED] .

According to Bondy, Carlson was [REDACTED]  
[REDACTED] .<sup>21</sup> Carlson told the attorneys that [REDACTED]  
[REDACTED] ,  
but stated that [REDACTED]  
According to Bondy, Carlson told the attorneys that [REDACTED]  
[REDACTED] .  
[REDACTED] .” Carlson reiterated to the attorneys that [REDACTED]  
[REDACTED] .

After the meeting, Carlson asked to speak privately with Bondy. According to Bondy, Carlson told him that she was furious about being the subject of an OIG investigation and asked him whether OGC had referred the matter. Bondy told Carlson that OGC referred the matter to the FBI Inspection Division. Carlson told Bondy that she would have expected Crider to refer the matter, but not her own attorneys and that they should be ashamed of themselves.

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<sup>21</sup> As described earlier, Crider’s deposition testimony was consistent with what he wrote in his 1-page memorandum. In part, Crider testified at his deposition, “Certainly, the gist of the conversation with [Carlson] was that Justin [Slaby] was ruining his reputation by bringing a lawsuit, he should be happy . . . that he’s employed by the FBI and he has no business being an agent and that it would be in my best interest for me [sic] to come down on the side of the government in this matter.”

Bondy told the OIG that Carlson was “very heated” and swearing during their conversation. According to Bondy, Carlson felt that the FBI did not stand beside her in this situation and had betrayed her. Bondy told the OIG that he explained to Carlson the different “institutional roles” of OGC and that he was not her attorney but rather an attorney for the FBI defending a discrimination lawsuit. Bondy also told Carlson that OGC is not the FBI police and that OGC is not prejudging what she may or may not have done. Bondy told her that OGC referred the allegation to the Inspection Division so that the proper entities could get involved.

Bondy told the OIG that this conversation last approximately 15 to 20 minutes. At the end of the conversation, Carlson told Bondy that she might assert her Fifth Amendment privilege at the evidentiary hearing. Later that evening, Bondy memorialized these two meetings on June 11 with Carlson in an e-mail to Weissmann.

**(2) SAC Carlson**

Carlson told us that her second meeting with the government attorneys took place in the offices of the U.S. Attorney’s Office for the Eastern District of Virginia. When we asked Carlson who attended the second meeting, Carlson told us, “[T]he same crew of lawyers. There may have been some different ones [but] I don’t remember.” Carlson also stated that Weissmann was present. Carlson told us that during this second meeting, the USAO Civil Chief “[REDACTED].” Carlson said she did not take any notes of this meeting.

We asked Carlson if she told the attorneys that [REDACTED], and Carlson stated, “[REDACTED].” We also asked Carlson whether she told the attorneys that [REDACTED]. Carlson replied, “[REDACTED].”

According to Carlson, she stated to the government attorneys [REDACTED]. Carlson recalled to us that the government attorneys [REDACTED]. We asked Carlson if [REDACTED]. Carlson [REDACTED]. Carlson recalled that she discussed with the government attorneys [REDACTED].

[REDACTED] Carlson told us that she had tried to help the attorneys [REDACTED]

[REDACTED] Carlson told us that any sentiment she made about [REDACTED]

After meeting with the government attorneys, Carlson requested to speak to Bondy separately. Carlson told us that “literally as I’m flying into D.C. to participate in this hearing,” the Inspection Division gave her notice that she was the subject of an OIG investigation. Carlson stated that she had been put in an “awful position” because she was “trying to do the right thing” by being available to testify. Carlson told us that she asked Bondy if OGC had referred the matter, and that Bondy confirmed it. According to Carlson, Bondy repeatedly told her to talk to Weissmann about the situation. Carlson told us that Weissmann was not there, so she tried to call him, but that Weissmann did not return her call. Carlson told us that she was – and still is – “mad” at Bondy.

**2. June 12, 2013, Evidentiary Hearing**

The evidentiary hearing was held on June 12, 2013, to address, in part, Slaby’s emergency motion. Crider and the CDC testified at the hearing, and both provided testimony that was essentially consistent with their previous statements. Carlson was called to testify at the hearing but told the Court that she wanted to consult with an attorney prior to testifying because she had been notified the previous day that the OIG had initiated an investigation against her. The Court ordered that Carlson’s counsel file a notice of appearance in the *Slaby* case by Friday, June 21, 2013.

Carlson retained counsel, and on June 24, 2013, the attorney filed an affidavit with the Court stating that Carlson was invoking her right to remain silent under the Fifth Amendment and would not testify at a hearing. The attorney cited the OIG’s pending investigation as the reason for Carlson asserting this right.

On July 18, 2013, the Court ruled on Slaby’s emergency motion without hearing testimony from Carlson. The Court made “no determination” as to whether Carlson attempted to suborn perjury, but found that her conduct was “wholly inappropriate” and “could have resulted in erosion in the integrity of the judicial proceedings.” Although the Court

found that default judgment or an adverse inference was not warranted, it concluded that “the FBI’s conduct is sanctionable and that the appropriate sanction is requiring the parties to enter a stipulation of uncontested facts to be submitted to the jury during the trial of this case[.]” The Court also awarded Slaby reasonable attorneys’ fees and costs for the briefings and hearings related to this issue.<sup>22</sup>

### **3. SAC Carlson Confronts the CDC Following the Evidentiary Hearing**

We received conflicting testimony about a conversation between the CDC and SAC Carlson after the evidentiary hearing when both were back in Milwaukee. We describe each account below, as well as conversations with others that occurred in the immediate aftermath.

#### **a. The CDC and FBI OGC Attorneys**

The CDC told the OIG that after returning to Milwaukee from the evidentiary hearing on June 12, Carlson told the CDC that she was agitated with the CDC, felt the CDC had betrayed her, and accused the CDC of working with Slaby’s counsel against her. The CDC told the OIG that because she thought she might be recalled to testify in the case, she told Carlson that they could not discuss the matter. The CDC then contacted the FBI OGC Unit Chief to [REDACTED].

The FBI OGC Unit Chief told the OIG that [REDACTED]. The FBI OGC Unit Chief subsequently told Bondy about Carlson’s conversation with the CDC. Bondy told us he then contacted the CDC “[REDACTED].”

According to Bondy, he then told Weissmann about Carlson’s conversation with the CDC and Weissmann in turn told Deputy Director Joyce. Weissmann and the Deputy Director then called Carlson. According to Weissmann, the Deputy Director told Carlson that she needed to return to FBI Headquarters by a certain date, and that he had learned of her communications with the CDC after the evidentiary hearing and that she was to have no communications like that again.

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<sup>22</sup> The parties filed a proposed joint stipulation on July 16, 2013, as directed by the Court during a hearing on July 12, 2013. The stipulation included facts pertaining to Carlson’s conduct and in essence stipulated that Carlson made the statements alleged by Crider.



**b. SAC Carlson**

Carlson told us that after the *Slaby* hearing, she had a conversation with the CDC in her office, at which time Carlson stated that she was “extremely disappointed” in how the CDC handled the Crider matter. According to Carlson, she told the CDC “in essence” that the CDC had let her down, and the CDC responded that was not true and that Carlson did not know the whole story. Carlson also stated that the CDC said that the two of them could not discuss the situation until everything was over. Carlson told us that she and the CDC did not discuss the substance of the CDC’s testimony.

We asked Carlson if she told the CDC that the CDC had betrayed her, and Carlson stated that she did not remember using those words. We also asked Carlson if she accused the CDC of working with Slaby’s attorneys, and Carlson denied making that statement.

Carlson told us that she did not know the substance of the CDC’s hearing testimony when the two had this discussion in her office, but that she could decipher from legal arguments made by Slaby’s attorneys that Crider had told the CDC about his conversation with Carlson. Carlson was disappointed that the CDC never told her about Crider’s disclosure even when Carlson approached the CDC about her conversation with him. More specifically, Carlson stated:

So even when it’s bad enough and Crider comes to [the CDC] and she doesn’t tell me about it, but then even I try to raise it with her, and there’s something going on here, and Crider came to see me, and she still waves me off. [H]er job is to prevent these kind[s] of things, and she . . . didn’t do that. So I didn’t know any of the substance [of her testimony], but the fact that she was not providing me information that I clearly needed, and . . . working to prevent this because she knows that Crider is a [REDACTED]. She knows that. And she knew he was [REDACTED]. The fact that she didn’t tell me prevented it [from getting worked out].

Carlson told us that, “There is just no excuse for [the CDC] not coming to me and telling me [about Crider’s disclosure] so that we could fix this.”

Carlson told us that she had two brief telephone calls with Deputy Director Joyce about the *Slaby* litigation. According to Carlson, Joyce told her in the first call that she would be going on temporary duty until the OIG investigation was over. Carlson told us that in the second call, Joyce informed her that she would be going on temporary duty to the Training

Division in Quantico and that the CDC had reported to OGC about the conversation she and the CDC had after the *Slaby* hearing. According to Carlson, Joyce instructed her not to discuss the case, and Carlson replied that she did not discuss any testimony with the CDC. Carlson told us that Joyce then stated, “just business only, or words to that effect,” which Carlson interpreted as that she was only to talk about FBI and Milwaukee business. The OIG asked Carlson if anyone else had participated in the two telephone calls with Joyce, and Carlson stated that she did not recall anyone else being on the calls. Carlson also told us that she did not take any notes during either call.

#### **D. Other Evidence in the OIG Investigation**

On July 26, 2013, the CDC contacted the OIG concerning a call that she had received from a Supervisory Senior Resident Agent (“the SSRA”).<sup>23</sup> The CDC told the OIG that the Milwaukee Journal-Sentinel had reported on Carlson’s transfer from the Milwaukee Field Office to FBI Headquarters due to her comments to Crider in the *Slaby* lawsuit.<sup>24</sup> According to the CDC, the SSRA sought her advice as to whether he had an affirmative duty to inform the OIG or FBI Inspection Division about a similar interaction he had with Carlson, although he did not want to file a formal complaint.

The OIG interviewed the SSRA, the ASAC, and Carlson about the alleged interaction.<sup>25</sup>

##### **1. The SSRA**

The SSRA told the OIG that [REDACTED] for the Sikh Temple shooting in Oak Creek, Wisconsin, on August 5, 2012. The SSRA [REDACTED] the follow-up investigation of the shooter’s residence. According to the SSRA, during the Sikh Temple investigation “there were both perceived and real communication issues between the Chief of the Oak Creek Police Department . . . and SAC Carlson.” As a result of some of those issues, the FBI decided to send an Inspection Team to the Milwaukee Field Office in early 2013. The SSRA told us the goal of the Inspection Team was to gather “lessons learned” and to determine whether communications between the FBI and the Oak Creek Police

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<sup>23</sup> During the events described in this report, the SSRA was assigned to [REDACTED] the Milwaukee Field Office.

<sup>24</sup> See <http://www.jsonline.com/news/crime/milwaukee-fbi-chief-transferred-under-investigation-b9957741z1-216100811.html> (accessed January 23, 2014).

<sup>25</sup> At the time of the ASAC’s interview with the OIG, he was the acting SAC of the Milwaukee Field Office. The ASAC told us that a permanent SAC was reporting to the Milwaukee Field Office on February 24, 2014.

Department could have been better executed. The SSRA told the OIG that the Inspection Team interviewed him and that he provided candid responses as to what the FBI executed well and what the FBI could improve upon.

The SSRA told the OIG that following a monthly supervisors meeting at the Milwaukee Field Office on February 21, 2013, the SSRA was notified that Carlson wanted to meet with him. The SSRA, along with the ASAC, went to Carlson's office for a meeting. At that meeting, Carlson told the SSRA, "You didn't do us any favors with what you told the inspectors." The SSRA told Carlson that during his interview with the inspectors he stated that he wished he had communicated more with the Oak Creek Police Department, which might have prevented the inspection altogether. The SSRA told the OIG that he believed there were also communication issues between Carlson and the Oak Creek Police Chief and that when he spoke to the inspectors he made suggestions to address those problems. The SSRA told Carlson that he simply told the inspectors the truth.

Carlson repeated her sentiment about "not doing any favors" and told the SSRA that the members of the Inspection Team were focused on his statement to them. Carlson told the SSRA that if he had not made that statement, then the inspection process would have been completed without an issue. The SSRA told the OIG that he was "taken aback" by Carlson's remarks, which he found to be "somewhat bothersome," because for the "process" to work, employees must be able to speak freely. The SSRA told us that the ASAC agreed with him that Carlson's statement was "inappropriate."

The SSRA provided the OIG with one page of typed notes memorializing his conversation with Carlson that he created approximately seven days after the conversation had occurred.

## **2. The ASAC**

The ASAC, who was the SSRA's supervisor at the time the meeting with Carlson occurred, provided testimony that was consistent with the SSRA's testimony.<sup>26</sup> The ASAC recalled that Carlson met with the SSRA and him to discuss some of the inspectors' findings. In that meeting, Carlson told the SSRA that he "didn't do us any favors about what you told the inspectors." The ASAC stated that the SSRA was "taken aback" by Carlson's comment, but the ASAC viewed the comment as Carlson's "filter isn't kicking in again."

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<sup>26</sup> The ASAC told us that he was not the SSRA's supervisor during the Sikh Temple shooting investigation.

After meeting with Carlson, the SSRA discussed the incident with the ASAC in the ASAC's office. As the ASAC reflected more on Carlson's comment, he thought it was "pretty inappropriate," but not "unethical," "immoral," or "actionable," in light of how Carlson typically "comported herself." The ASAC, however, told us that he understood why the SSRA was offended by Carlson's comment. The ASAC told the OIG that Carlson was not coaching the SSRA to lie.

### **3. SAC Carlson**

Carlson told us that Deputy Director Joyce informed her that the Inspection Team would be looking into the Milwaukee Field Office's handling of the Sikh Temple shooting because of comments that the Oak Creek Police Chief made at a Department of Homeland Security event about the FBI. Carlson stated, however, that "[t]he real reason . . . [is that] it was clearly a hit by the Deputy Director. . . . I've been in the senior executive service for four years, and I've been investigated five times, like unheard of. It's just been a continual bullshit allegation after allegation after allegation." Carlson continued that the inspection "was a hit because the Sikh Temple shootings had been nothing but accolades for the division . . . but also for me."

Carlson told us that the Milwaukee Field Office was "completely cooperative" and did not try to hide information or in any way impede the inspection. Carlson also stated that the lead inspector briefed her every night. According to Carlson, the inspection was "mostly positive." Carlson stated that "all of the big dogs, the Milwaukee Police Department, the Milwaukee County Sheriff, the ATF, the U.S. Attorney's Office, the Marshals, they all came out really firm on my behalf and . . . that the FBI did a fabulous job. You know, but there was, [the Oak Creek Police] Chief . . . said some negative things, and then his best friend, the neighboring police chief said a couple [of] negative things. So [the inspector], he would tell me about those." Carlson told us that the Inspection Team had "no findings, so . . . never to this day they never, they literally never had a single finding against [the Milwaukee Field Office]."

Carlson told us that she does not recall a specific conversation with the SSRA and the ASAC about the inspection, though she spoke to her ASACs about the inspection. When we asked Carlson if she ever told the SSRA, "[Y]ou didn't do us any favors in what you told the inspectors," Carlson replied, "I don't remember that."

When we asked Carlson if she had any conversations with the SSRA about how the FBI communicated with the Oak Creek Police Department, Carlson stated that "the only thing I can think of that this might pertain to" is the inspector's inquiry of whether the FBI could have done anything

better involving the Oak Creek Police Department, “so that the [C]hief didn’t sort of go south on [the FBI].” To provide the appropriate context for this inquiry, Carlson told us that although the inspector thought the Milwaukee Field Office “really did nothing wrong . . . [and] did a fabulous job,” he had to “come back with something” and “write something up.” According to Carlson, the inspector told her that the SSRA said, “in hindsight perhaps [the FBI] could have done more to make [the Oak Creek Police detectives] feel engaged.” Carlson replied to the inspector, “[T]hat’s just [the SSRA] being [the SSRA]. He’s a nice guy. [The SSRA] is . . . an appeaser. He’s a roll-with-the-punches kind of guy. That’s just [the SSRA] being nice.” Carlson told us that the SSRA and she “fundamentally disagree” on this issue because she thought the FBI handled the Oak Creek Police Department appropriately.

Carlson stated that the inspector did not “write up” this issue. When we asked Carlson whether she had a conversation with the SSRA about what he told the inspector, Carlson stated, “Not that I recall, but I . . . definitely talked [with] the ASACs and I talked about . . . that’s the wrong message for [the SSRA] to be sending. I don’t remember myself talking to him, but we could have.” Carlson also stated that for the Milwaukee Field Office’s work in the Sikh shooting “to be tainted because Sean Joyce doesn’t like me personally is just a travesty. . . . And so the discussion was we have to make sure that we message this right, and that when the inspectors leave, it’s all positive. I don’t want anybody to feel like they did anything wrong.” Carlson said, “I never admonished [the SSRA], never admonished anybody.” When we asked Carlson whether she ever said – either explicitly or implicitly – to the SSRA that he should not have been as forthcoming to the inspectors, Carlson replied, “Absolutely not.”

We asked Carlson if she learned from the inspector whether the SSRA made any comments about how the FBI communicated with the Oak Creek Police Department, and Carlson stated, “No, it wasn’t communicating. It was to make them feel welcome . . . [b]ecause the communication was good. . . . It was to giv[e] them task[s] [and assignments on the investigation].” We asked Carlson if she had any conversations with the SSRA and the ASAC about the SSRA’s comments to the inspectors concerning how Carlson and the Oak Creek Police Chief communicated. Carlson replied, “Not at all.”

### **III. ANALYSIS**

We concluded that Carlson conducted herself unprofessionally and exhibited extremely poor judgment when she made statements to Crider relating to his deposition in the *Slaby* lawsuit. We similarly concluded that Carlson’s conduct was highly inappropriate and reflected a troubling lack of

judgment when she admonished an SSRA for his comments to an FBI inspection team about the Milwaukee Field Office's handling of the Sikh temple shooting. We describe our analysis in more detail below.

**A. SAC Carlson's Statements to SA Crider Regarding His Deposition Testimony in *Slaby v. Holder***

As described in the previous section, Crider alleged that Carlson made several statements to him on April 3, 2013, when they discussed the deposition notice he had received in the *Slaby* case.<sup>27</sup> According to Crider, Carlson stated the following:

- Slaby should never be an FBI agent because he is disabled;
- Slaby should be satisfied with the job he has and other jobs that he has been offered;
- Slaby is ruining his good reputation by bringing a lawsuit against the FBI;
- Slaby would never be allowed to return to the FBI Academy; and
- FBI Headquarters was not happy with the Milwaukee Field Office for sponsoring Slaby as a special agent.

In this context, according to Crider, Carlson made statements to the effect that his testimony should support the FBI's position that Slaby should not be an agent and that it would be in Crider's best interest to come down on the side of the FBI.

Carlson, however, gave us a different account of her meeting with Crider. According to Carlson, she asked Crider about his role in the *Slaby* litigation and his involvement with Slaby in an effort to figure out why Crider had really come to her office. Carlson told us that Crider was [REDACTED] and that that she recalled stating to him to "tell the truth" and "don't do anything stupid" at his deposition. She denied to us that she told Crider that Slaby should not be an agent because he is disabled, that Slaby should be satisfied with the job the FBI has given him, that Slaby would never be allowed to return to the FBI Academy, and that FBI Headquarters was not happy with the Milwaukee Field Office for sponsoring Slaby's application. She also strongly denied to us that she told Crider to come down on the side of the FBI or the government in his deposition testimony. Carlson told us that she "may have" stated to Crider that Slaby was ruining his reputation with the lawsuit

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<sup>27</sup> Carlson denied that the meeting took place on April 3, though she also told us that she does not know when it occurred. We did not find it necessary to resolve this issue for purposes of assessing Carlson's conduct at the meeting.

and that the FBI's Training Division – a different entity than FBI Headquarters – might not be happy with the Milwaukee Field Office for sponsoring Slaby's application, though Carlson said she never actually heard that.

We found Crider's description of Carlson's statements at the meeting more credible than Carlson's description for several reasons. Crider immediately related the substance of his meeting with Carlson to the CDC and then to the SSA. Both the CDC and the SSA – though the SSA in greater detail – corroborated that Crider related to them the essence of the meeting with Carlson: that Carlson told Crider his deposition testimony should support the government. In addition, shortly after speaking to the CDC and the SSA, Crider memorialized the statements he alleged Carlson made at the meeting in a 1-page memorandum. Crider's sworn deposition testimony and his evidentiary hearing testimony were generally consistent with this memorandum and with what he told the CDC and the SSA, [REDACTED]

[REDACTED]

[REDACTED]

. Attorneys also told us that Carlson stated that

[REDACTED]

. We concluded that the most plausible explanation for this is that Carlson in fact made the statements Crider attributed to her.

With respect to the specific statement that Crider should come down on the side of the FBI or the government in his deposition testimony, there is conflicting evidence on whether Carlson said this. Carlson denied to us making the statement, and also denied it to the FBI Assistant General Counsel and General Counsel Weissmann during a telephone call following Crider's deposition. However, according to the CDC, Carlson stated to her that she (Carlson) told Crider not to say anything crazy and to come down

on the right side. Additionally, Carlson [REDACTED]

[REDACTED]. According to notes from the meetings and witnesses who attended, [REDACTED]

[REDACTED].” In addition, according to a government attorney, [REDACTED]

[REDACTED]. Carlson asserted to us and [REDACTED] that that “gist” of what she told Crider was not to do anything stupid in his testimony or try to stick it to the FBI, and that he should testify truthfully. We concluded that in light of the inconsistencies in Carlson’s differing responses to this question balanced against the contemporaneousness of Crider’s allegations and the corroborating testimony of others (such as the CDC and the SSA), it is likely that Carlson stated to Crider something to the effect that he should come down on the side of the FBI in his deposition testimony.

Having substantiated Crider’s allegations that Carlson made certain statements to him during their April 2013 meeting, we concluded that Carlson’s conduct was wholly unprofessional and exhibited extremely poor judgment, particularly for the top official of an FBI field office. In light of the allegations Slaby’s attorney made publicly in the litigation and in a complaint to the OIG, we also considered whether Carlson intended with her statements to improperly influence Crider’s deposition testimony in violation of the witness tampering statute, Title 18 U.S.C. § 1512(b)(1), which as noted by Slaby’s attorney in his pleading is a criminal violation. That statute makes it a crime to, among other things, “knowingly use[] intimidation, threaten[], or corruptly persuade[] another person, or attempt[] to do so, or engage[] in misleading conduct toward another person, with the intent to . . . influence, delay, or prevent the testimony of any person in an official proceeding[.]”

As described in this report, Carlson was clearly opposed to Slaby becoming an agent and believed that by sponsoring Slaby the Milwaukee Field Office had done the FBI a disservice. Carlson also was aware that Crider had been unsuccessful in past attempts at promotion, and would be seeking additional opportunities in the future. She also considered Crider [REDACTED], and told the attorneys that [REDACTED]

[REDACTED]. It was in this context that Carlson – Crider’s SAC – reportedly told Crider that [REDACTED]



██████████. We referred our findings to the Department's Public Integrity Section for review. That office declined to prosecute Carlson.

We concluded that regardless of whether Carlson intended with her statements to influence Crider's deposition testimony, the statements created the appearance that Carlson was attempting to do so. Indeed, Crider told us that he interpreted Carlson's statements as, "I needed to fall in step with what she had just told me, that [Slaby] shouldn't be an agent[,] and that "[i]t would be best for . . . [him] in every facet of [his] life if [he] came down on the side of the FBI." We found Crider's interpretation reasonable, and believe that Carlson's intemperate statements to Crider were especially careless for this reason.

**B. SAC Carlson's Comments to the SSRA Regarding the FBI's Inspection of the Milwaukee Field Office after the Sikh Temple Shooting**

As described in the previous section, Carlson had a conversation with one of her SSRAs that raises concerns about the content and perception of her statements that are similar to her exchange with Crider. The SSRA and the ASAC told the OIG that they met with Carlson to discuss the findings of an FBI inspection of the Milwaukee Field Office associated with the mass shooting at a Sikh temple in August 2012, in Oak Creek, Wisconsin. During his interview with inspectors, the SSRA stated that he wished he had communicated more with the Oak Creek Police Department during the shooting investigation and made suggestions about how to address communication problems he believed existed between Carlson and the Oak Creek Police Chief. Both the SSRA and the ASAC told us that Carlson said to the SSRA during their meeting, "[you] didn't do us any favors with what you told the inspectors." The SSRA said he replied that he simply told the inspectors the truth and that Carlson then repeated her sentiment about "not doing any favors" and stated that if the SSRA had not made his comments to the inspectors, then the review would have been completed without an issue.

Carlson told us that she did not recall having a specific conversation with the SSRA and the ASAC about the inspection and does not remember making the statement attributed to her by them. However, Carlson also told us that she spoke to the ASACs about the "wrong message" the SSRA was sending to the inspectors about the FBI engaging Oak Creek detectives in the shooting investigation. According to Carlson, the SSRA's comments to the inspectors were not related to how the FBI communicated with the Oak Creek Police Department.

We concluded the evidence substantiated the claim that Carlson told the SSRA, "[Y]ou didn't do us any favors with what you told the inspectors."

Both the SSRA and the ASAC recalled Carlson making the statement, they discussed the incident after the meeting, the SSRA memorialized the meeting about seven days after it occurred, and Carlson does not deny that she made the statement. We found that Carlson's conduct was highly inappropriate, reflected a troubling lack of judgment, and at minimum created the appearance that she discouraged her subordinates from speaking candidly with inspectors. The SSRA told us that he found Carlson's statement to be "somewhat bothersome" because for the "process" to work, employees must be able to speak freely. We agree, and believe that Carlson's apparent attitude toward the inspection review of the Sikh temple shooting is inimical to that process.

#### **IV. CONCLUSION**

We concluded that Carlson conducted herself unprofessionally and exhibited extremely poor judgment when she made statements to Crider relating to his deposition in the *Slaby* lawsuit, and that her statements to Crider created the appearance that she was attempting to improperly influence his deposition testimony. We similarly concluded that Carlson's conduct was highly inappropriate and reflected a troubling lack of judgment when she admonished an SSRA for his comments to an FBI inspection team about the Milwaukee Field Office's handling of the Sikh temple shooting. We found that Carlson's conduct created the appearance that she discouraged her subordinates from speaking candidly with inspectors. We are referring our findings of Carlson's conduct to the FBI for a determination of whether disciplinary or other administrative action is warranted.

## **APPENDIX A**

April 3, 2013

At approximately 10:20AM on April 3, 2013, MW CDC [REDACTED] telephoned me. She informed me I was going to be deposed in regards to a civil lawsuit filed by Justin Slaby. She told me I needed to schedule a time for my deposition which would take place in Washington DC. I told her I would check my schedule and get back with her.

Around 11:00 am that same day I talked with CDC [REDACTED] and was told OGC would like to depose me the week of April 22 or 29. I told her I would like to talk to the OGC attorney as I had some concerns regarding my testimony. She called and left a message for [REDACTED] and he called back about five minutes later while I was still in the CDC's office. I told [REDACTED] I had some concerns about what I was allowed to talk about and whether anything I talked about could be referred to OPR. I conveyed to him that I was concerned because I had already been accused of training Justin Slaby and that people I had talked to at the FBI academy had been questioned regarding their conversations with me. He assured me my testimony was mine and there would not be any repercussions as long as my testimony was truthful.

At approximately 1:15 pm that same day I went to the office of ASAC [REDACTED] to inform him of my trip. ASAC [REDACTED] had left for a SWAT mission in [REDACTED]. I then went to SAC Teresa Carlson's office to inform her of my trip. She was in the outer office near the desk of her secretary when I told her of my trip. She then asked me to step into her office. Once inside her office she asked me the nature of my testimony. I responded that I did not know what I would be asked about and had not been told anything other than I needed to be available. She then asked what my involvement had been with Slaby. I told her that I had administered one or two of his physical fitness tests and had been asked to provide weapons to Marquette University for Slaby's occupational skills test that FBIHQ had requested. I provided red handle weapons for the test, a Glock pistol, shotgun and M-4.

She then went into a protracted dialogue about why Slaby should never be an agent since he was handicapped. She also said he should be happy with the jobs he has been offered by the FBI such as an IA, MST and his current CIRG job. She said he was ruining his good reputation by bringing a lawsuit against the FBI and that he would never be allowed back into the FBI academy. She also stated FBIHQ was not happy with MW for putting his application forward.

She then told me my testimony should support the FBI's position that he should not be an agent and that it would be in my best interest to come down on the side of the FBI. I took this as a threat to make sure that I took the position that Slaby should not be an agent. I told her that I saw myself as "Joe Friday" and should just give the facts.

As soon as I left the SAC's office I went to the CDC and conveyed the above-described events and told her I was afraid of retaliation regarding my upcoming testimony. After leaving the CDC's office I called the ADC, [REDACTED] and provided him with the same facts.

