



# **Investigative Report of Allegation of Sexual Harassment by NPS Law Enforcement Supervisor**

Date Posted to Web: October 14, 2016

This is a version of the report prepared for public release.

## **SYNOPSIS**

We investigated an allegation of sexual harassment, forwarded by the National Park Service's (NPS) Office of Professional Responsibility in May 2016, against an NPS law enforcement supervisor with the Chattahoochee River National Recreation Area (CHAT). The allegation stated that on two occasions the supervisor touched a CHAT division chief on her upper thigh and that this contact was unwelcome. During our investigation, we learned that the supervisor may have also inappropriately touched an NPS employee who had been detailed to CHAT from another park.

Our investigation substantiated that the law enforcement supervisor, without permission or encouragement, touched the division chief's upper thigh on two occasions, once in November or December 2014 and again on February 26, 2016. In addition, we confirmed that the supervisor touched the other NPS employee's shoulders in a way that made her uncomfortable. During our interviews with him, he denied touching either woman in the manner alleged and gave vague, contradictory answers about the incidents involving the division chief.

We also learned during our investigation that these incidents were reported to the CHAT superintendent, but he failed to investigate them or report them to the Human Resources or Equal Employment Opportunity offices, as required by U.S. Department of the Interior policy.

## **DETAILS OF INVESTIGATION**

On May 6, 2016, we initiated an investigation based on a sexual harassment allegation, forwarded by the National Park Service's (NPS) Office of Professional Responsibility, that an NPS law enforcement supervisor with the Chattahoochee River National Recreation Area (CHAT) touched a CHAT division chief's upper thigh on two occasions and that this contact was unwelcome. We also investigated an allegation that the supervisor inappropriately touched an NPS employee from another park who was on a detail to CHAT at the time.

### **U.S. Department of the Interior Sexual Harassment Regulations**

Department of the Interior (DOI) Equal Opportunity Directive No. 2002-16, dated April 16, 2002, defines sexual harassment, in part, as:

[U]nwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when . . . such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, or sexually offensive work environment.

DOI Equal Employment Opportunity policy gives several general examples of harassing behavior, including making unwelcome physical contact with someone, squeezing someone's shoulders or putting a hand around his or her waist, making suggestive or obscene gestures, or making comments of a sexual nature.

DOI and NPS policies state that when employees complain of sexual harassment to managers or supervisors, these officials must act promptly to investigate the complaint and address any misconduct.

### **CHAT Law Enforcement Supervisor's Unwelcome Contact With Division Chief**

We interviewed the division chief, who said that shortly after she was assigned to CHAT in 2014, one of her coworkers, a CHAT program manager, told her that the law enforcement supervisor had violated her (the program manager's) personal space and touched her arms and shoulders inappropriately. The division chief said that the program manager warned her that the supervisor was "handsy and touchy" and might try to "make a move" on her as well. The division chief said that after this warning, she began noticing a pattern of behavior on the part of the supervisor, which she described as "following me or tracking me closely"; she said that he would often come to her staff meetings and her office unannounced and uninvited.

The first time the supervisor touched her, the division chief said, was during a staff meeting she was conducting in November or December 2014. She said that he entered the meeting, to which he had not been invited, and sat down to her left on the bench where she was sitting. She explained that the bench was just large enough for one person to sit on and he was leaning his entire body against her. When no one was looking in their direction, she said, he "slipped" his right hand onto her upper left thigh, squeezed it, looked at her, and smiled. She told us that she

was “shocked and embarrassed” by this and said to him: “That’s my leg.” She said that he did not reply, but removed his hand from her thigh.

The division chief said that she went to the program manager after the incident and told her what had happened, but the program manager discouraged her from making a formal complaint. When we interviewed the program manager, she confirmed that the division chief had reported the incident to her and that she had influenced the division chief not to file a complaint.

Another CHAT manager informed us that she once asked the program manager whether the law enforcement supervisor had ever acted “inappropriately” toward her and the program manager said he had. She felt that the program manager was probably hesitant to complain, however, because the program manager was friends with the supervisor’s wife. The program manager denied that the supervisor had ever acted inappropriately toward her, but admitted that she and his wife were close friends.

The division chief told us that in the months after he touched her at the staff meeting, the supervisor continued to make her uncomfortable by following her, coming to her office unannounced, and showing up at her meetings. On February 26, 2016, she said, he touched her again.

The division chief explained that on February 26, she and four other CHAT employees, including the law enforcement supervisor, were in a “crew cab” pickup truck traveling from CHAT headquarters to a work site in another part of the park. She said that the supervisor, who was sitting on her left, in the middle seat of the truck’s backseat, again “slipped” his right hand onto her left “inner leg” and squeezed it. She said he again looked at her, smiled, let his hand “linger” there, and then slowly removed it. We interviewed the other employees who were in the truck that day, but no one recalled seeing him touch her.

Three days later, the division chief wrote an email to herself documenting the incident. She said that she also spoke to her coworker, the CHAT manager, about what had happened.

We interviewed the law enforcement supervisor twice about the allegations against him. During our first interview, on May 25, 2016, he said that he did not remember touching the division chief’s thigh during the 2014 staff meeting. Regarding the ride in the truck on February 26, 2016, he told us at first that he remembered the trip but did not recall touching her thigh. Under further questioning, he denied touching her.

During our second interview, which took place on June 22, 2016, the supervisor stated at first that it was “possible” that he touched the division chief inadvertently during the truck ride in February. He said that he was a “friendly” person who touched “people’s shoulders, arms, and legs,” and so he “could have grabbed her leg.” Later in the interview, he acknowledged touching her just above the knee with his hand while they were in the truck, but stated that he did not squeeze her thigh and that the touch was friendly, not sexual. He continued to maintain that he did not remember the 2014 incident.

We also interviewed the regional law enforcement official who reported the two incidents to NPS' Office of Professional Responsibility. He said he was on a 60-day detail as the acting CHAT superintendent (while the superintendent was detailed to another park) when he noticed an unusual nonverbal exchange between the division chief and the law enforcement supervisor during a staff meeting in March 2016. He said the interaction was not outwardly hostile, but he described it as "not a friendly exchange" either.

The official said he decided to discuss the matter with the CHAT manager, who had attended the meeting and who had recently completed a 30-day detail as acting superintendent. He said the manager explained to him that the supervisor and the division chief had a history in which the supervisor had done some "creepy stuff" to the division chief, both verbally and physically, culminating in his touching her thigh in February 2016.

The CHAT manager explained that she talked to the division chief about the February 2016 incident when she (the manager) was acting as CHAT superintendent during the superintendent's 90-day detail. She said that the division chief had told her about the 2014 incident some time before. She said she asked the division chief if she wanted to make a formal complaint against the supervisor, but the division chief said no.

The regional law enforcement official said that he also spoke to the division chief about the supervisor touching her. During their conversation, he said, he asked her for a copy of the email she had written to herself and told her that he would initiate an investigation. He said that he then spoke to the supervisor, who denied touching her. According to the official, the supervisor said: "I don't know what you're talking about," and added: "I don't appreciate rumors being spread about me." The official said that he wrote a report on the matter and sent it to the Office of Professional Responsibility, which then forwarded it to us.

### **Allegation That the Law Enforcement Supervisor Acted Inappropriately Toward an NPS Employee**

The division chief said that the NPS employee came to CHAT on a detail in January 2016. Two or 3 weeks later, she said, the employee confided to her that the law enforcement supervisor was making her feel uncomfortable. The division chief said she told the employee about her own experience with him in 2014.

The division chief stated that the employee told her she did not want to file a complaint, but the division chief felt that even though she was not the employee's supervisor she had to report the supervisor's actions out of concern for her. She said that in March 2016 she told the CHAT manager about her conversation with the employee, as well as the February 2016 incident involving herself and the supervisor.

The CHAT manager stated that she spoke to the NPS employee, who told her that the supervisor had "creeped her out" by frequently staring at her breasts and by trying once to "play footsie" with her under a table. The manager said that the employee also told her about another occasion that occurred while the employee was eating lunch in her office. The manager said that according to the employee, the supervisor—who was standing behind her chair at the time—leaned against

her back, reached over her shoulder and took one of her French fries, then whispered “thank you” in her ear. The manager said that the employee told her this made her very uncomfortable.

When we interviewed the employee, she said that the law enforcement supervisor had acted inappropriately toward her and made her feel uncomfortable on at least two occasions. She confirmed that he had stood behind her and touched her shoulders while reaching over her to take one of her French fries. During the incident, she said, he made an inappropriate comment to her, but she declined to repeat it. She also said that he once touched her feet with his feet underneath a table, but said she did not know if he did so on purpose. She declined to provide further details about these incidents and indicated that she did not want to make a formal complaint against him.

During our first interview with the supervisor, he denied touching the employee. During our second interview, however, he admitted it was “possible” that he touched her shoulders while standing behind her and looking at her computer screen. He said that he did not lean over her and take a French fry from her at that time, but he recalled reaching across a table once to take one of her fries.

### **Results of CHAT Employee Canvass Interviews**

We conducted canvass interviews of the other 10 female CHAT employees, as well as one male employee. No one had firsthand knowledge of sexual harassment of any kind at the park, but two of the female employees mentioned that the law enforcement supervisor had made them uncomfortable. One told us that he did not recognize personal space and that he had lingered around her desk area and leaned across her desk unnecessarily. The other said that she felt uncomfortable around him but did not know why.

### **The CHAT Superintendent’s Failure To Respond to the Complaints Against the Supervisor**

The division chief said that in mid-2015, she complained to the CHAT superintendent about the law enforcement supervisor’s behavior. She said she told the superintendent that the supervisor had harassed her and inappropriately touched her in 2014. She told him that the supervisor made her uncomfortable, and he responded that he would talk to the supervisor during his next performance evaluation. She said that she told the superintendent she did not want to make a “big case” out of the harassment; she just wanted it to stop.

When we interviewed the superintendent, he acknowledged that the division chief told him about the supervisor touching her thigh in 2014, but he said he took no action because she did not wish to make a formal complaint. He said that he had the “impression” that a victim had to “put it down on paper” before he could take action. The superintendent also said that he did not recall talking to the supervisor about the incident or documenting it during the supervisor’s evaluation.

***Agent’s note:** NPS and DOI policies do not require a victim of alleged sexual harassment to file a “formal” complaint before a supervisor can investigate the allegation and address any misconduct. We reviewed the CHAT superintendent’s training records and found that he*

*completed mandatory 40-hour supervisory training, which covers appropriate supervisory response to harassment allegations, on September 3, 2015, and May 18, 2016.*

The CHAT manager told us that although the division chief told her during their March 2016 conversation that she did not wish to make a formal complaint against the supervisor for touching her thigh, the manager told the superintendent about the incidents the next day during a teleconference. The manager said that the superintendent told her that the division chief had previously reported the 2014 incident.

During his interview, the superintendent acknowledged that the CHAT manager told him about the NPS employee's complaints and about the division chief's February 2016 incident and that he, again, took no action. He said that he had planned to address the issue during the supervisor's 2016 midyear review, but did not. When asked why he took no disciplinary action against the supervisor even after learning of the incidents, the superintendent said that he spoke to the regional law enforcement official about the matter and decided to allow the Office of Professional Responsibility to pursue its investigation.

In his interviews, the supervisor maintained that he did not remember the 2014 incident involving the division chief, but he said that if the superintendent had counseled him about it he would have apologized to the division chief and not touched her a second time.

### **SUBJECTS**

1. Law enforcement supervisor, CHAT, NPS.
2. Superintendent, CHAT, NPS.

### **DISPOSITION**

We referred this case to the U.S. Attorney's Office for the Northern District of Georgia, and the office declined to prosecute. We are providing this report to NPS Director Jonathan Jarvis for review and action.