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REPORT OF INVESTIGATION

MR. GARRY REID, SENIOR EXECUTIVE SERVICE
DIRECTOR FOR DEFENSE INTELLIGENCE
COUNTERINTELLIGENCE, LAW ENFORCEMENT, AND SECURITY
OFFICE OF THE UNDERSECRETARY OF DEFENSE FOR INTELLIGENCE

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I. INTRODUCTION AND SUMMARY

Complaint Origin and Allegations

On April 9, 2019, the DoD Office of Inspector General (OIG) received the first of four anonymous complaints against Mr. Garry P. Reid, the Director for Defense Intelligence (Counterintelligence, Law Enforcement, and Security [CL&S]), Office of the Undersecretary of Defense for Intelligence [OUSD(I)]. The complaints alleged that Mr. Reid was having a sexual affair with two subordinate Government employees (Employees 1 and 2) and that he created a negative work environment. We initiated an investigation into these allegations, and also investigated an allegation that Mr. Reid sexually harassed Employee 2.

Our investigation also examined Mr. Reid's use of personal e-mail for official DoD communications in which he discussed official DoD information with members of his staff and other DoD military, civilian, and contractor employees, or in which he sent DoD documents to his personal e-mail for work on his home computer.¹

If substantiated, these allegations would violate the standards summarized throughout this report. We present the applicable standards in Appendix A. We briefly discuss an additional allegation that we did not substantiate in Appendix B.

Scope and Methodology of the Investigation

During our investigation, we interviewed Mr. Reid and 21 witnesses (including Employees 1 and 2) who had information about the allegations, or who were identified as potentially having knowledge relevant to our investigation.

We reviewed and examined Government issued cellular phones and over 317,000 classified and unclassified official e-mails. We also reviewed applicable standards, travel documents, and personnel records.

On January 28, 2020, we provided Mr. Reid our Tentative Conclusions Letter (TCL) containing our preliminary conclusions and gave him the opportunity to comment on the results of our investigation before finalizing our report. On February 12, 2020, Mr. Reid provided us with his response to our preliminary conclusions.

¹The term "personal e-mail" throughout this report refers to non-Government personal e-mail accounts (such as Gmail and others). DoD Instruction 5230.09, "Clearance of DoD Information for Public Release," defines official DoD information as "All information that is in the custody and control of the DoD, relates to information in the custody and control of the DoD, or was acquired by DoD personnel as part of their official duties or because of their official status within DoD."

In his response to our TCL, Mr. Reid wrote that he “respectfully disagree[d]” with our preliminary conclusions on all three allegations but “acknowledge[d] the value of th[e] investigation for showing [him] areas for self-improvement.” We carefully considered Mr. Reid’s comments on our preliminary conclusions, re-examined our evidence along with the new evidence he provided, and include his comments, in part, throughout this report.²

Throughout his response, Mr. Reid also wrote multiple times that he believed he was targeted by complaints made by a small number of employees who wanted to “tarnish [his] reputation” as part of a “smear campaign.”

We initiated our investigation based on multiple anonymous complaints against Mr. Reid. We reviewed each allegation objectively and based our conclusions solely on evidence and facts from our investigation. The sources of the allegations are not relevant to our analysis or our conclusions.

Conclusions

Mr. Reid’s Relationship with Employee 1

We concluded that Mr. Reid’s overall course of conduct with his subordinate, Employee 1, created a widespread perception of an inappropriate relationship and favoritism. However, we did not find evidence to substantiate the anonymous allegation that Mr. Reid and Employee 1 engaged in a “sexual affair” and both denied the allegation.

As a supervisor, Mr. Reid should have used better judgment. Instead, he established and maintained a close and unduly familiar relationship with Employee 1, creating a widespread perception among 11 witnesses at different levels within Mr. Reid’s organization of an inappropriate relationship and favoritism. Mr. Reid should have notified his supervisors and human resources department of the full extent of his relationship with Employee 1 to ensure adequate oversight of any personnel decisions involving Employee 1. We concluded that his actions also created the appearance of impropriety with his subordinate and violated the Joint Ethics Regulation (JER) prohibition against actions that create the appearance of an inappropriate relationship or preferential treatment.

Mr. Reid’s TCL Response Regarding His Relationship with Employee 1

In his response to our TCL, Mr. Reid wrote that the DoD OIG “falsely concluded that there was a widespread perception of impropriety and favoritism within his workforce.” According to Mr. Reid, his actions did not create a widespread perception of having an inappropriate relationship with Employee 1 or providing her favoritism, and he did not fail to uphold the standards outlined in the JER “regarding responsibility for managing employee perceptions of unethical behavior.”

Mr. Reid wrote that he did not regularly hug and kiss Employee 1 as established in the report. Mr. Reid stated that he greeted Employee 1 with a brief kiss on the cheek outside the workplace in a completely socially-acceptable manner. However, he denied the assertion that he kissed Employee 1 in her office. Additionally, Mr. Reid stated that he did not show undue favoritism to Employee 1; rather he provided her “performance feedback, career guidance, and on-the-job mentoring,” as part of his leadership responsibilities.

² We recognized that summarizing Mr. Reid’s response risked oversimplification and omission. Accordingly, we included Mr. Reid’s comments throughout this report and provided his supervisor with a copy of Mr. Reid’s full response to our TCL.

We disagree with Mr. Reid's assertions about his relationship with Employee 1. Considering his overall course of conduct, we concluded that Mr. Reid's supervision and mentorship of Employee 1, while also having a close and unduly personal relationship with her, led employees to call into question his impartiality regarding his decisions concerning Employee 1. We stand by our conclusion that Mr. Reid should have used better judgment to avoid creating a widespread perception of an inappropriate relationship and favoritism.

Mr. Reid's Relationship with Employee 2

We did not find evidence to substantiate the anonymous allegation that Mr. Reid and Employee 2 engaged in a "sexual affair" and both denied the allegation. Employee 2 told us that Mr. Reid hugged and kissed her, unwantedly, on at least three occasions and that one of the kisses was on her lips, making her feel uncomfortable. However, she also told us the kiss was "not intimate" and described it as "just a peck." She also told us she considered herself a hugger but was never comfortable with anything but the "quick hug."

Mr. Reid denied sexually harassing Employee 2. Mr. Reid admitted to us that he had kissed and hugged Employee 2, but that the kisses were always on the cheek and never on the lips. Mr. Reid described his kisses with Employee 2 as socially acceptable and professionally appropriate like "just an arm on a shoulder" or "a pat on the back" and not an "embrace."

In addition, Mr. Reid told us that he had meetings with Employee 2 which were very emotional for her and that she usually ended them with a hug but that they were "never sexual." He also stated that Employee 2 never expressed any indication that his interactions with her included "unwanted interest or affection."

We did not find sufficient evidence to determine that Mr. Reid's conduct toward Employee 2 constituted sexual harassment or some other form of misconduct.

Use of Personal E-mail to Conduct Official DoD Business

We also concluded that Mr. Reid used his personal e-mail accounts to conduct official DoD business in violation of DoD policies described in Appendix A. We determined that Mr. Reid forwarded DoD official communications and information marked as "FOUO," "Unclassified/FOUO," and "Controlled Unclassified Information" to his personal e-mail accounts, which were shared accounts for him and (b)(6), (b)(7)(C)

Mr. Reid's TCL Response Regarding His Use of Personal E-mails to Conduct Official Business

In his response to our TCL, Mr. Reid wrote that he disagreed with the conclusion that his use of personal e-mail accounts to conduct official DoD business was inconsistent with DoD policy. Mr. Reid stated that he used his personal e-mail accounts out of necessity to meet "the fast-paced, short-fused mission requirements, normally working at home late at night to meet overwhelming demands" of his office's mission. Mr. Reid also stated that he "acted believing that [he was] authorized to conduct official business using [his] personal computer."

Mr. Reid stated that he did not deny that some of these included attachments marked "For Official Use Only," but that they could have also been properly marked as "Unclassified" and agreed that he "should have removed the markings before sending the attachments."

Mr. Reid also told us he did not have a written waiver or verbal guidance to use his personal e-mails for official business. He also told us that “[he] believed [he] applied the policy test of determining whether it was a rare and extraordinary necessity” and that he felt “empowered to make those judgements in the moment and not seek a waiver for higher level approval.”

We stand by our conclusion that Mr. Reid used his personal e-mail accounts to conduct official DoD business in violation of DoD policies. DoD policy allows the use of personal e-mails under “rare and extraordinary situations” to send “urgent DoD mission-related email[s].” We determined that the content and nature of the e-mails did not meet these criteria to justify using personal e-mail accounts. Mr. Reid used his personal e-mail accounts on multiple occasions to conduct official DoD business that were part of his regular duties. Our review of Mr. Reid’s e-mails found they did not include matters that were rare, extraordinary, urgent, or emergencies.

Additionally, convenience is not an acceptable reason to use personal e-mail to conduct official DoD business. We found no evidence that Mr. Reid’s use of personal e-mail met the DoD’s criteria for rare and extraordinary circumstances, or that he requested or received an exception to policy to use his personal e-mail account to conduct “official DoD communications.”

If Mr. Reid believed that his use of personal e-mails was necessary to conduct official business, he should have requested an exception to the DoD policy.

In summary, we stand by our conclusion that Mr. Reid used his personal e-mail accounts to conduct official DoD business in violation of DoD policies.

Treatment of Employee 2 and Alleged Negative Work Environment

We did not substantiate the allegation that Mr. Reid fostered a “negative work environment” by failing to treat subordinates with dignity and respect.

One witness described Mr. Reid and Employee 2’s relationship as “challenged” based on hearing them yell at each other behind closed doors. Employee 2 described some of her conversations with Mr. Reid behind closed doors as “heated” and Mr. Reid described them as “lively.” Although Mr. Reid and Employee 2 used profanity during these heated conversations, we found that Mr. Reid never used profanity directed toward her, or publically demeaned or humiliated her.

Seven witnesses provided us with unfavorable comments concerning Mr. Reid’s poor, direct, or unpredictable communications. They also referred to him as “gruff” and “moody.” For instance, one witness said that Mr. Reid could get angry, but that his anger was directed at situations, not individuals. None of the witnesses told us that Mr. Reid demeaned or publically humiliated subordinates. Also, Mr. Reid denied directing profanity towards a subordinate.

In addition, twelve witnesses provided us with favorable comments about Mr. Reid’s leadership style. These witnesses told us that Mr. Reid had positive leadership skills and was always appropriate and never disrespectful.

While the comments regarding Mr. Reid’s conduct were not all positive, they did not rise to the level of violations of the JER. In this investigation, we considered the JER, which emphasizes primary ethical values including fairness, caring, and respect that should guide all DoD employees.

While Mr. Reid's conversations with Employee 2 about their working relationship were heated, and there were other instances of his anger, they were not publically demeaning or humiliating conduct in violation of the JER. Therefore, we determined that Mr. Reid did not fail to treat Employee 2 or any other subordinate with dignity and respect.

The following sections of this report provide the detailed results of our investigation. We first provide background information on Mr. Reid, and then present the complaint and facts associated with Mr. Reid's relationships with Employees 1 and 2. Next, we discuss Mr. Reid's use of personal e-mail to conduct official DoD communications. Then, we discuss allegations that Mr. Reid created a "negative work environment." Finally, we present our overall conclusions and recommendations.

II. BACKGROUND

Mr. Garry Reid

In March 2015, Mr. Reid assumed duties as the Director for Defense Intelligence (DDI), Intelligence and Security. On February 11, 2019, the OUSD(I) reorganized the Intelligence and Security directorate to CL&S, and Mr. Reid became the CL&S Director. In this position, Mr. Reid reports to the Undersecretary of Defense for Intelligence (USD[I]).

Before his assignment to the OUSD(I), Mr. Reid served in the DoD's Office of the Undersecretary of Defense for Policy since 2007. Mr. Reid joined the Office of the Secretary of Defense in 2007 after 28 years of active duty service in the Army including service in the special operations community.

Organization

As the CL&S Director, Mr. Reid is responsible for DoD policies and resources to conduct human intelligence, counterintelligence, security, sensitive activities, intelligence analysis, intelligence sharing, and partner engagement programs. Mr. Reid's office also oversees activities conducted by DoD intelligence and related elements, coordinates these activities within the U.S. Intelligence Community, and provides regular reporting of these activities to Congress.

III. ANALYSIS OF THE ALLEGATIONS

Chronology of Significant Events

Table 1 lists the significant events related to this investigation.

Table 1. Chronology of Significant Events

Date	Event
Mar. 2015	Mr. Reid assumes duties as DDI of Intelligence and Security.
(b) (6), (b) (7)(C)	Employee 2 joins Mr. Reid's organization as a subordinate of Mr. Reid.
(b) (6), (b) (7)(C)	Employee 1 joins Mr. Reid's organization as a subordinate of Mr. Reid.
Jul. 6–8, 2018	Mr. Reid, (b) (6), (b) (7)(C) and Employee 1 take a personal trip to (b) (6), (b) (7)(C)
Sep. 2018	While in Europe on official travel, Employee 1 and Mr. Reid both take 2 days of personal leave to sightsee and shop with (b) (6), (b) (7)(C)
Oct. 2018	Mr. Reid and Employee 1 start commuting together regularly.

Date	Event
Jan. 2019	Mr. Reid and Employee 1 start dieting and exercising together regularly.
(b)(6), (b)(7)(C)	Employee 2 leaves Reid's organization for (b)(6), (b)(7)(C)
Feb. 11, 2019	OUSD(I) reorganizes the Intelligence and Security directorate into the CL&S directorate.
Mar. 29–Apr. 1, 2019	Mr. Reid, (b)(6), (b)(7)(C) and Employee 1 take a personal trip to (b)(6), (b)(7)(C)
May 15, 2019	The DoD OIG initiates this investigation.

A. Mr. Reid's Relationships with Employees 1 and 2

Mr. Reid and Employee 1

An anonymous complaint alleged that Mr. Reid and Employee 1 were having a “sexual affair,” travelled together, ate lunch together, went to the gym together, and arrived at and left work together. Another anonymous complaint stated that Mr. Reid provided preferential treatment to Employee 1 in the form of high performance ratings and bonuses, and that Mr. Reid was “setting [Employee 1] up” for a more senior position by having her perform tasks outside her duties and responsibilities.

Witnesses told us about their observations of a close personal relationship between Mr. Reid and Employee 1, including kisses and hugs. However, our interviews and analysis of e-mails and Government electronic devices did not identify evidence that Mr. Reid was having a “sexual affair” with Employee 1. Additionally, both Employee 1 and Mr. Reid denied having a sexual relationship.

Kissing and Hugging

Two witnesses told us that they observed Mr. Reid kiss Employee 1 in the office on different occasions. One witness told us he witnessed Mr. Reid kiss Employee 1 on the cheek. The witness stated:

I saw [Mr. Reid] kiss [Employee 1] once ... I was standing behind him, and he walked into the office, and [Employee 1] was in her office, and he walked in, like walked in and that was the way he said hello to her. And he didn't realize that I was standing right behind him, and so, like, I made eye contact with [Employee 1] and I just turned around and walked away.

The second witness, Employee 2, told us that she witnessed Mr. Reid kiss Employee 1 on the lips. We asked her how often she observed Mr. Reid kiss Employee 1 on the lips. She stated:

I don't know. I think it's just normal. But ... it's not intimate. It's hug and kiss ... Definitely a peck. It's nothing more. It's nothing like you see in the movies. Right, where you're making out ... It's probably daily. I mean honestly, I can't say “[I saw it] every day” ... but it's pretty routine.

Employee 2 told us that she also observed hugs between the two, including Mr. Reid “having his arm around” Employee 1, “rubbing her arm,” or “rubbing her [upper] back” while standing next to her at his standup desk.

Two other witnesses also told us that they observed Mr. Reid hug Employee 1 in the office. Another witness told us that he observed Mr. Reid and Employee 1 standing close together for long

periods of time while working on products on Mr. Reid's computer at his standup desk and said, "they definitely stand closer to each other than I would stand next to any of my [colleagues]."

Employee 1 told us that Mr. Reid never kissed her on the lips, but that Mr. Reid sometimes kissed her as a form of greeting when picking her up and dropping her off at night at her home during their daily commute together. She told us that during their morning commute, Mr. Reid would sometimes lean over when she got in the car and greet her with a "cheek-to-cheek kiss," or a kiss on her forehead or temple. She also told us that they "would do a quick hug or ... the cheek kiss, and say good night" sometimes when he dropped her off at night.

Additionally, she told us that when she had a lot of stuff to carry at night, Mr. Reid would assist her by opening the door (b) (6), (b) (7)(C).

Employee 1 also said she remembered a time when she was standing at her desk in her office and Mr. Reid walked into her office, put his arm around her shoulder for about a "split-second," and then may have kissed her. She told us that she did not remember him kissing her, but he may have done the cheek-to-cheek or "air kiss" that "colleagues do sometimes." She told us she did not think it was inappropriate.

We asked Employee 1 how often Mr. Reid greeted her that way. She told us:

I wouldn't say that it's a, you know, common occurrence, but it's not so like out of the ordinary that it would be memorable. Right? It's just not a big deal The only reason it was even memorable was because [the witness] was standing there and gave me that look, you know, kind of attitude look He was dropping something off and Mr. Reid kind of turned around [and acknowledged the witness]. And [the witness] left and then we continued our conversation about the meeting [Mr. Reid] just got out of.

Employee 1 told us that all of the kisses she received from Mr. Reid were welcome because "it's never been uncomfortable" and "it doesn't feel ... aggressive or inappropriate or meaningful."

Employee 1 told us that she did not remember Mr. Reid ever rubbing her back or touching her shoulders. She also said that it was possible that "he's touched my shoulder with his shoulder" while looking at something on his computer at his standup desk, but "it didn't make an impact" on her so she could not think of a specific incident. Employee 1 also denied having a sexual relationship with Mr. Reid.

Personal Travel

Mr. Reid and (b) (6), (b) (7)(C) took two personal trips to (b) (6), (b) (7)(C) with Employee 1. According to Employee 1 and Mr. Reid, the three of them stayed together at an Airbnb in July 2018 while house-hunting for (b) (6), (b) (7)(C).³ During the second trip in March 2019, they stayed at (b) (6), (b) (7)(C).

In September 2018, Mr. Reid and Employee 1 were on official travel to Europe and were accompanied by (b) (6), (b) (7)(C). Mr. Reid and Employee 1 both took 2 days of personal leave during the trip to go sightseeing with (b) (6), (b) (7)(C). Employee 1 told us that (b) (6), (b) (7)(C) invited her to

³ Airbnb is an online marketplace for arranging lodging.

accompany them on the sightseeing trip because Employee 1 (b)(6), (b)(7)(C) and they thought "it would be fun to ... show (b)(6), (b)(7)(C) European cities and obviously go shopping with her."

Sharing Lunch

An anonymous complaint stated that Mr. Reid and Employee 1 had daily lunches in Mr. Reid's office behind closed doors.

Employee 1 told us that she and (b)(6), (b)(7)(C) formed a friendship "mostly" around food after she introduced Mr. Reid and (b)(6), (b)(7)(C) to the Whole30 diet program.⁴ She told us that she and Mr. Reid started having daily lunches in his office on January 3, 2019, after they and (b)(6), (b)(7)(C) started the Whole30 program. Employee 1 described the daily lunches as "working lunches." Employee 1 told us Mr. Reid's door was always open.

Two witnesses who visited Mr. Reid's office suite several times a week during lunch told us that his door was always closed. We interviewed four other witnesses who worked just outside Mr. Reid's office who gave us various accounts of whether the door was open or closed during lunch. One witness told us that the door was closed 90% of the time. Another witness told us that it was closed 75% of the time. The third witness told us that 80% of the time the door was "cracked [open]," 10% wide open, and 10% closed. The fourth witness told us that the door was "always open." All four witnesses told us that they entered Mr. Reid's office during lunch if they needed to talk to Mr. Reid.

Three other witnesses told us that they observed Mr. Reid and Employee 1 with matching Tupperware containers during their lunches. One of these witnesses described the lunch set up as "very weird," and the second witness described it as "two place settings, like ... a restaurant." The third witness told us that Mr. Reid's and Employee 1's lunch setup included salt and pepper shakers, a side table, and some sparkling water.

Two other witnesses told us that they observed Mr. Reid and Employee 1 bring their own food to a conference where food was provided. Both of these witnesses also described the behavior as "weird." One of these witnesses told us that Mr. Reid and Employee 1 each brought their food in the same type of Tupperware containers.

Employee 1 told us that she and Mr. Reid took turns bringing lunch to the office. She said that sometimes Mr. Reid asked her if she wanted leftovers that (b)(6), (b)(7)(C) cooked for dinner and that other times Employee 1 would offer, "I'm making whatever for dinner. I'll bring the leftovers in tomorrow." She also told us Mr. Reid brought plastic picnic plates so that they would not have to "pollute the earth with disposable ones" and that Mr. Reid had a "bucket and dish soap" so that he could wash the dishes and be "ecologically conscious."

Commuting

Employee 1 told us that for about a year (since about October 2018), she and Mr. Reid commuted together and that Mr. Reid picked her up and dropped her off daily (b)(6), (b)(7)(C). She and other witnesses told us that Mr. Reid occasionally gave two other subordinates rides to and from work, but only for a short period of time and not on a regular basis.

⁴ Whole30 is a diet program focused on changing eating habits to improve metabolism and the immune system.

Physical Fitness

Employee 1 told us that since January 2019, she and Mr. Reid went to the Pentagon Athletic Center together (b) (6), (b) (7)(C). These visits to the gym included running together (b) (6), (b) (7)(C). Employee 1 told us that Mr. Reid was “encouraging” and told her, “I’ll run with you.”

Performance Ratings and Bonuses

An anonymous complaint alleged that Mr. Reid provided preferential treatment to Employee 1 in the form of high performance ratings and bonuses. We reviewed the performance ratings and bonuses given to employees in Mr. Reid’s office.

In January 2019, Employee 1 received an overall performance rating of (b) (6), (b) (7)(C). She was (b) (6), (b) (7)(C). Employee 1 also (b) (6), (b) (7)(C) for that rating period. According to the servicing human resource official, the combination of the Employee 1’s (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Mr. Reid gave to any employee below the Senior Executive Service level in his office for that rating period. Additionally, Employee 1 (b) (6), (b) (7)(C) hile working for Mr. Reid—(b) (6), (b) (7)(C).

Mr. Reid wrote Employee 1’s performance ratings and (b) (6), (b) (7)(C). Annual performance evaluations and associated performance awards were processed through and approved by the OUSD(I) performance review board.

Employee 1 told us it was “nonsense” to suggest that Mr. Reid provided her preferential treatment in the form of high performance ratings and (b) (6), (b) (7)(C).

Duties and Responsibilities

An anonymous complaint stated that Mr. Reid was “setting [Employee 1] up” for a more senior position by having her perform tasks outside her duties and responsibilities.

(b) (6), (b) (7)(C) told us that Mr. Reid assigned Employee 1 to conduct security briefings that were normally part of (b) (6), (b) (7)(C) duties. (b) (6), (b) (7)(C) also stated that Employee 1 lacked sufficient background and experience to conduct the briefings. (b) (6), (b) (7)(C) told us that the briefing happened without (b) (6), (b) (7)(C) prior knowledge and Employee 1 told (b) (6), (b) (7)(C) afterwards that “it happened really fast and Mr. Reid wanted to give me some experience.” According to (b) (6), (b) (7)(C) Mr. Reid told (b) (6), (b) (7)(C) that Employee 1 needed “to get more experience” so she could “do something down the road.”

Mr. Reid’s immediate supervisor, the Deputy USD(I), told us:

I had numerous conversations with Mr. Reid and other senior leaders within OUSD(I) on talent management and “building the bench” of talent within our organization. Talent management is a priority for me, and also an area consistently highlighted in our annual Climate Survey as needing improvement ... I have emphasized us thinking about cultivating talent – everything from professional development, to training, to increased

responsibilities – and how we build up a “bench” that will be competitive for positions at the senior levels.

The Deputy USD(I) added that she heard a rumor that Mr. Reid and Employee 1 spent a lot of time together. She said that she raised the issue with Mr. Reid and that Mr. Reid told her:

It was all part of his mentoring her. He further explained that, like him, she came from (b) (6), (b) (7)(C), and though talented, didn't have a security background. So he wanted to ensure that she met the key folks in the mission area, saw the same things he saw, and understood the key issues.

Employee 1 and two other witnesses told us that Mr. Reid mentored employees other than Employee 1. Employee 1 told us that Mr. Reid was “mentoring” her to be competitive for a “future leadership position.” According to Employee 1, Mr. Reid's justification for taking her on official travel with him was to get her exposure to the subject matter and individuals, and tracking “due-outs” during the trip. She also said, “It's the same reason [the USD(I)] has his special assistant travel [with him] everywhere he goes.”

Employee 1 also told us that she referred to herself as the “[Mr. Reid] whisperer and the [Mr. Reid] interpreter” because “people bring things to me first and they make me deliver the bad news,” which is “kind of my role.” She told us that the reorganization increased the burden on both Mr. Reid and herself “to manage the enterprise.” She described their relationship as a “very close, collaborative working relationship,” “friendly,” and “a partnership.” She stated:

So we spend a lot of time collaborating and coordinating and communicating, making sure ... that we can empower and monitor and manage those who work for Mr. Reid ... I think he very much trusts my judgment. I came over from (b) (6) ... And he really has empowered me ... He allowed me access to the front office ... So if he can't be in a meeting with the Undersecretary, he will send me because ... he trusts me to go into those meetings and deliver his message.

Other Observations of Mr. Reid and Employee 1's Relationship

Of the twenty witnesses we interviewed, six told us that they did not have enough interaction with Mr. Reid and Employee 1 to describe their relationship.⁵ Three told us that they perceived the relationship between Mr. Reid and Employee 1 to be more than solely professional.

Eleven witnesses who had regular interactions with Mr. Reid and Employee 1 used the term “close” to describe their relationship. Specifically, witnesses described the relationship as “very close,” “inappropriately close,” “perceived close” and a “very close friendship or relationship.” Two of the eleven witnesses also described Mr. Reid and Employee 1's relationship as a “good working relationship” and that they were like “two peas in a pod.” Two others told us that Mr. Reid and Employee 1's relationship made them feel “awkward.” One of these witness told us:

It's a little weird. So for instance, a couple months ago [a group of employees] went over to ... look at space, because we are moving some people in. At one point during the walk around, [Mr. Reid and Employee 1] started looking at her cellphone, I think, and it got really, like ... kind of close, and whispering, and talking, and so the rest of us were standing there, kind of, this is

⁵ These 20 witnesses do not include Employee 1.

awkward. And we were just waiting and then I was like, "Hey, guys, let's just keep walking." And so they spent a minute whispering and talking, and then when we got outside, we got in a van, [and a contractor], says, "something going on between them?" And I was like, "I don't know." That was just awkward. So pretty much everything goes like that. Like, she spends a lot of time with him, so you don't necessarily -- you just don't -- I don't know. It's a different kind of relationship [than] I've ever seen between [someone] and their senior.

According to the other witness, the relationship made her feel "uncomfortable." She told us:

The fact that there was this perceived close relationship with [Employee 1] and Mr. Reid, that was very uncomfortable and awkward. That became very difficult for me and that's why I expressed to [a superior] that it's hard to work in an environment ... I have no idea if there's anything going on or not, but the perception, and the awkwardness, and the closeness, and the travel schedules, and all of that, it is inappropriate and it just doesn't set a good standard I think for professionalism.

Another witness described Mr. Reid and Employee 1 commuting together as odd because "he's the boss, and she's a subordinate" and he had never seen that type of relationship between a supervisor and subordinate.

Another witness told us that there was a perception within the organization that Mr. Reid and Employee 1 were having an inappropriate relationship based on rumors and direct observations of their behavior.

Another witness told us that two of his subordinates expressed concerns about Mr. Reid providing Employee 1 preferential treatment during the reorganization. Specifically, the subordinates were concerned with reorganization plans in which Mr. Reid proposed that Employee 1's position be elevated to a senior executive position. The witness added that it could be argued that Mr. Reid provided preferential treatment to Employee 1 because she was meeting different people, attending meetings on behalf of Mr. Reid, and was "privy to knowledge and current affairs."

Another witness told us that there was a perception that Mr. Reid provided preferential treatment to Employee 1 because she was selected for a (b)(6) (b)(7)(C) office.

Mr. Reid's Description of His Relationship with Employee 1

Mr. Reid described his relationship with Employee 1 as a "combination" of professional and personal.

Kissing and Hugging

Mr. Reid acknowledged in his interview with us that he kissed and hugged Employee 1. According to Mr. Reid, he did not kiss Employee 1 on the lips, because that would be "a bit much." Mr. Reid told us that he kissed Employee 1 in the form of a greeting, but that he did not think he had "done it inappropriately" because it was only in "social, acceptable, professional environments." He told us that he did not "have a no kiss on the cheek policy." He also told us that if he hugged anyone at work "it would be based on the environment, the conditions, the person, and if it ... was an

appropriate greeting or farewell, [he] would be open to doing it.” Mr. Reid told us that he could not quantify the number of times he kissed and hugged Employee 1. Mr. Reid denied having a sexual relationship with Employee 1.

We asked him about rubbing Employee 1’s shoulders or back while collaborating on a product with her at his standup desk. Mr. Reid told us he did not give backrubs to anyone but that a “pat could be possible.” He told us that he could have placed his hand on her shoulder, moved to the side, and told her to work on a document.

Personal Travel

Mr. Reid told us that he and (b)(6), (b)(7)(C) travelled with Employee 1 on two trips to (b)(6), (b)(7)(C) because Mr. Reid enjoyed fishing and he and (b)(6), (b)(7)(C) were (b)(6), (b)(7)(C). Mr. Reid also told us that he and Employee 1 both took 2 days of personal leave between two official events during the fall of 2018 in Europe, and that he spent the time off with (b)(6), (b)(7)(C) and Employee 1.

Sharing Lunch

We asked Mr. Reid to respond to the allegation that Mr. Reid and Employee 1 had “private lunches together where they are not to be disturbed.” Mr. Reid told us:

That’s absurd I’ve never shut that door for lunch. I will push the door [partially closed], so when people walk in [to the suite], they don’t see me [eating], but it’s not shut. No one in [the] office has ever been told not to bother me ... that’s absolutely outrageous.

Mr. Reid told us that he told his employees that they were “welcome to walk in the door” and that “they don’t have to ask anybody if they can come in.” He also told us he closes the door for personnel or classified discussions. According to Mr. Reid, “It’s work. Work does not stop for lunch. ... It’s impossible to be sitting in that office and not working. There’s work to do.”

Commuting and Physical Fitness

Mr. Reid told us that he started commuting with Employee 1 after they realized that Mr. Reid drove by (b)(6), (b)(7)(C) on his way to work. He told us that their commuting was “productive” and that they were able to “extend the workday” for an hour during their time together in the car. Mr. Reid also told us that he tried commuting with another subordinate who lives close to him to qualify for the high-occupancy vehicle lane but “it just didn’t work out because I had to go in the other direction to get him” and Mr. Reid was not gaining “any time out of it.”⁶

Mr. Reid told us that after they began commuting together, he started going to the gym with Employee 1. He stated that he decided to go a couple of days a week and he told Employee 1 that she was welcome to go with him. He told us that knowing he had to pick up Employee 1 on the way to the gym motivated him to get up early and work out.

⁶ A high-occupancy vehicle or “HOV” lane is a traffic lane with a required minimum number of occupants.

Performance Ratings and Bonuses

Regarding Employee 1's performance awards and bonuses, Mr. Reid told us that the OUSD(I) performance board reviewed all employees performance evaluations and duty descriptions to determine if the "narrative justifies the ratings." He stated he gave other employees on his staff a rating of (b)(6) (b)(7)(C).

We asked Mr. Reid about the (b)(6) (b)(7)(C) rating that he gave Employee 1. He told us:

My assessment was, based on everything that she did in the year, that she deserved that rating. And it was substantiated by the [performance review] board They said [she] had done a fantastic job and they agreed with the rating. No one questioned it to me. No one challenged it. No one said it's too high.

Mr. Reid added that "if someone says that [Employee 1's performance evaluation] was only because [I] liked her, as a person, or [I] knew her as a person, that's completely untrue."

According to Mr. Reid, the USD(I) tasked him to review his workforce and distribute "a certain amount of money" that was made available for special act awards. Mr. Reid stated that there were "probably 15 or 20" employees who got awards. He told us that Employee 1 received the awards for (b)(6) (b)(7)(C) as stated in the award justifications.

Mr. Reid told us that Employee 1 received (b)(6) (b)(7)(C) for supporting a high-level DoD meeting that resulted in (b)(6) (b)(7)(C) to DoD. He told us that "she did an exceptional job." He also told us that Employee 1 received the (b)(6) (b)(7)(C) for (b)(6) (b)(7)(C), which was "unprecedented" and approved by the Deputy Secretary of Defense. He also said that the (b)(6) (b)(7)(C) were approved by the human resource office on behalf of the USD(I) and were not challenged.

Duties and Responsibilities

Regarding Employee 1's duties and responsibilities, Mr. Reid told us that he hired Employee 1 because of her experience (b)(6) (b)(7)(C), which was a "weakness" in his office. He told us that Employee 1 reviewed all of the actions that he received as well as "harnessing all of the work between the inner-staff and all the directors." He told us that he relied on her "very heavily" and that she is "the person [he] trust[s] the most" relying on her (b)(6) (b)(7)(C). He also told us, "she could do my job, as far as I'm concerned."

Mr. Reid told us that the reorganization caused a "senior management deficit" and the Deputy USD(I) gave him guidance to "build up the bench" as part of their talent management efforts. Mr. Reid identified Employee 1 and a few other individuals that he believed were ready for increased responsibilities and portfolios. Also, he "made an effort" to expand Employee 1's portfolio by exposing her to the "operational side of this, including some of these key events that she's participated in that were out of town." He told us that Employee 1 became his (b)(6) (b)(7)(C) (b)(6) (b)(7)(C).

Mr. Reid told us that he told the Deputy USD(I) that he was "mentoring" Employee 1. Mr. Reid added that he is "always having" mentoring conversations with employees in his office.

Mr. Reid also told us that after reassigning the (b)(6) (b)(7)(C) to Employee 1, he discussed the matter with the employee who normally (b)(6) (b)(7)(C). He told us that he apologized to the employee and that he took the blame for offending (b)(6) (b)(7) by not giving her advance notice about the reassignment. He told us that he viewed the matter as a "little boutique project" that did not interfere with the employee's work and that he thought he was doing the employee "a favor." He told us that letting Employee 1 conduct the briefing was an example of his efforts to "build more bench."

Mr. Reid told us that he went on official travel "only when necessary, about three or four times a year" and that Employee 1 traveled more with him since the reorganization because the reorganization required "increased reliance on her." He also told us that he "made a greater effort," during the last year, to expose Employee 1 to out of town key events with the purpose of expanding her (b)(6) (b)(7)(C) experience.

Perception of Preferential Treatment

We asked Mr. Reid to respond to the assertion that he created the appearance of providing preferential treatment to Employee 1. He told us that because he mentored everyone, he did not afford Employee 1 preferential treatment when he mentored her. He stated the following about his mentorship:

I think it's about challenging subordinates, and coaching them on a career path, and doing what a leader should do to make sure that the opportunities that are within their grasp in terms of their potential and wherewithal are available to them. And that, again, applies to everybody in the organization. So I don't think [my treatment of Employee 1] fits the definition of preferential [treatment]. I think it fits the definition of responsible leadership, talent management, challenging your subordinates, and growing future leaders.

Perception of Inappropriate Relationship

We asked Mr. Reid to respond to the assertion that he created the appearance of having an inappropriately close relationship with Employee 1. He responded that his interaction with Employee 1 was driven by the "volume and intensity" of his office's "work requirement" and that Employee 1 "is essential." He also told us, "She is very capable in a lot of things that cover for my weaknesses."

Mr. Reid added:

I am totally caring and compassionate. And I could [talk] on and on about [other subordinates that I have mentored]. You're going to sit here now and say ... all you care about is [Employee 1], because that's what we heard. Well, you didn't hear about all this other stuff. It's available to anybody, I guess is my point. And I think that mitigates [my relationship with Employee 1] being looked at as favoritism.

Mr. Reid's TCL Response Regarding His Relationship with Employee 1

In his TCL response, Mr. Reid asserted that his actions:

did not create the widespread perception of an inappropriate relationship or favoritism towards Employee 1, and [he] did not fail to uphold the standards outlined in the Joint Ethics Regulation regarding responsibility for managing employee perceptions of unethical behavior.

Mr. Reid wrote that he did not "engage in regular hugging and kissing of Employee 1 and that there was no evidence to support these assertions." He also wrote:

The report falsely asserts I kissed Employee 1 in her office 'regularly,' and that we engaged in 'frequent and routine' kissing and hugging. In fact, in Employee 1's interview she specifically refutes regularity when she says, 'I wouldn't say it's ... [a] common occurrence.'

Mr. Reid stated that he has, "on occasion and in a completely socially acceptable manner, provided Employee 1 with a brief kiss on the cheek as a form of greeting outside the workplace." However, he denied the assertion that he kissed Employee 1 in her office.

Mr. Reid also wrote that he did not show undue favoritism to Employee 1. He stated that, as "an established component of executive leadership," he "provided performance feedback, career guidance, and on-the-job mentoring to Employee 1." He also wrote that other employees within his organization had been selected for promotion, step increase[s], or long-term training. In addition, he wrote that it has always been his policy to encourage his staff to seek opportunities and challenge themselves professionally. According to Mr. Reid, these actions were consistent with his "obligations to act with honesty, candor, caring, and respect when addressing employee matters."

Mr. Reid wrote that the report wrongly dismissed the legitimate basis of his interactions with Employee 1 due to his decision to "elevate Employee 1's role" in anticipation of the reorganization. He also stated that the report inaccurately described employee perceptions of his interactions with Employee 1 as "widespread." Additionally, he wrote that he showed equality and fairness to all employees under his supervision and provided a list of prior employees who he had helped advance in their career. Further, he wrote that commuting to work with a subordinate and working out or going to the gym at the same time as a subordinate are not violations of the JER. He also wrote that eating lunch in his office with coworkers is not an ethical violation.

Conclusion regarding Mr. Reid's Relationship with Employee 1

We concluded that, as a supervisor, Mr. Reid should have used better judgment. Instead, he established and maintained a close and unduly familiar relationship with Employee 1, creating a widespread perception among 11 witnesses at different levels within Mr. Reid's organization of an inappropriate relationship and favoritism. Mr. Reid should have notified his supervisors and human resources department about the full extent of his relationship with Employee 1 to ensure adequate oversight of any personnel decisions involving Employee 1. We concluded that his actions also created the appearance of impropriety with his subordinate and violated the JER's prohibition against actions that create the appearance of an inappropriate relationship or preferential treatment.

While we did not find evidence to substantiate the anonymous allegation that Mr. Reid and

Employee 1 engaged in a “sexual affair,” we did find many instances of conduct by Mr. Reid towards her that were unduly personal and not professional or performance related. For instance, Mr. Reid kissed Employee 1 in her office and kissed her routinely in the morning and in the evening during their commute together. Additionally, Mr. Reid went on personal overnight travel with Employee 1, commuted daily with her, and went to the gym with her twice a week. Also, he had daily lunches with Employee 1 in his office and shared food, utensils, and condiments.

We recognize that supervisors have wide latitude to assign duties, evaluate performance, approve awards, and mentor subordinates for potential promotion opportunities. Employee 1’s ratings, awards, duties, and mentoring could reasonably be based on performance. However, these actions were witnessed by employees at different levels of Mr. Reid’s organization and his close and unduly personal relationship with Employee 1 led employees to call into question his impartiality regarding his decisions concerning Employee 1. Mr. Reid also did not disclose to his supervisors the details of his close personal relationship with Employee 1, but instead described it as “mentoring.”

Mr. Reid also told us that he kissed and hugged Employee 1 as a form of greeting in a socially acceptable and professional manner and that he could not quantify the number of times he kissed and hugged her. However, he also told us he that he did not kiss Employee 1 on the lips, because that would be “a bit much.” We concluded that his frequent and routine kissing and hugging of his subordinate was inappropriate. We do not consider frequent kissing and hugging of a subordinate in the office and while commuting as acceptable between a supervisor and a subordinate.

Although not an everyday occurrence, various witnesses told us that they observed Mr. Reid either kiss or hug Employee 1 in the office. Additionally, Employee 1 told us that Mr. Reid sometimes kissed her during their morning and evening commuting routine. She also told us that she remembered one occasion, in her office, where Mr. Reid briefly put his arm around her and then may have kissed her or may have done the cheek-to-cheek or “air kiss” that “colleagues do sometimes.” As highlighted by Mr. Reid in his TCL, Employee 1 told us that she would not say that this behavior was a common occurrence but also told us that it was not out of the ordinary.

Mr. Reid also told us that his close and frequent interaction with Employee 1 was due to the reorganization that occurred in February 2019. However, Mr. Reid’s statement minimized his interactions with Employee 1 before February 2019. Mr. Reid, (b)(6) (b)(7)(C), and Employee 1 took a personal trip (b)(6) (b)(7)(C) in July 2018. Mr. Reid and Employee 1 started commuting together on a daily basis in October 2018 and beginning in January 2019 they ate lunch together on a daily basis and went to the gym together twice a week. The evidence showed that his close, personal interactions with Employee 1 was not caused by an office reorganization.

Mr. Reid also failed to appreciate the effect his conduct had on the other employees in his office. He told us that because he mentored everyone, he did not afford Employee 1 preferential treatment. He stated that his treatment of Employee 1 “fits the definition of responsible leadership.” However, much of Mr. Reid’s interactions with Employee 1 were seen by his employees and created a reasonable perception of impropriety. Specifically, his employees thought that he was affording Employee 1 preferential treatment and that his relationship with Employee 1 was improperly close and more than professional. Additionally, Mr. Reid’s relationship with Employee 1 made employees feel uncomfortable.

Mr. Reid's conduct created the appearance that his relationship with Employee 1 was unduly familiar and that he was affording Employee 1 preferential treatment. His actions also created the appearance of impropriety with his subordinate and violated the JER.

After carefully considering Mr. Reid's TCL response, we stand by our conclusion that Mr. Reid should have used better judgment to avoid creating a widespread perception of an inappropriate relationship and favoritism.

Mr. Reid and Employee 2

The same anonymous complaint that alleged a sexual affair between Mr. Reid and Employee 1 also alleged a sexual affair between Mr. Reid and Employee 2. Employee 2 denied having a sexual relationship with Mr. Reid. However, she told us that Mr. Reid kissed and hugged her in the workplace. She said that the kisses made her uncomfortable, and that they were unwelcome and inappropriate.

Our interviews and analysis of e-mails and Government electronic devices did not uncover any evidence that Mr. Reid was having a sexual affair with Employee 2. Both Employee 2 and Mr. Reid denied having a sexual relationship. However, five witnesses described the relationship between Mr. Reid and Employee 2 as close, affectionate, or personal.

Kissing and Hugging

Employee 2 told us that Mr. Reid kissed and hugged her "always in the context of some goodbye" or after a heated exchange as a "let's make up [and] let's hug it out."

She told us that Mr. Reid tried to kiss her every time he hugged her. She described the hugs as a quick hug. She added that she "was never comfortable with anything other than the quick hug."

Employee 2 started working for Mr. Reid in (b)(6) (b)(7)(C) and left the organization (b)(6) (b)(7)(C). She said she specifically recalled kisses and hugs after heated exchanges on at least three occasions during a 3½-year time frame. She added that "It might have been more. I don't know. These are the things I try to block out probably from a memory standpoint." She said that she was always alone with Mr. Reid in his office during these heated exchanges. The exchanges occurred when she confronted Mr. Reid after reaching a "boiling point" about their working relationship. She added that her relationship with Mr. Reid evolved through the years from a "not as close" to a "closer working" relationship because of the USD(I)'s prioritization of her portfolio which reflected on Mr. Reid's priorities.

Employee 2 also told us that during the hugs, she would always turn her face and Mr. Reid would try to kiss her on the "cheek or closer." She told us that Mr. Reid kissed her on the "mouth, side of mouth, or cheek, [depending on how] quickly" she could move her head. She added that the first time Mr. Reid kissed her, it was on the mouth. She told us, "Like the first time I wasn't expecting it ... [I] pulled away, like whoa that was not right. And then I learned to expect it and so I turned my head." Employee 2 described the kisses as "just a peck" and not intimate.

Employee 2 also told us that she never confronted Mr. Reid about these interactions because "If you tell [Mr.] Reid, 'I'm really not comfortable with that, that's really inappropriate,' then you have hell to pay. Your life is miserable. And it just wasn't worth it. So you put up with it."

We asked Employee 2 how she reacted to the kisses. She told us: "I just would try to get out of there. I would just try to open the door. Like he always did it right by the door and I just tried to open [the door], get to the door handle so I could get out of there."

We asked Employee 2 how the kisses and hugs made her feel. She told us:

I just felt like this is a real crappy thing that I have to put up with. ... So, I don't, I mean it's not like I was like, "Oh, my God, I've been violated. I need to call sexual assault helpline." Like I'm so conditioned to just deal with it. ... [It] sucks that women have to put up with this and I'm one of them, and it's just part of doing business.

Employee 2 described herself as a hugger. She told us that Mr. Reid greeted her with a hug at social events outside the office, but without kissing her. However, she added that she could not say with certainty that there was not a cheek peck as part of the hug at any point with either Mr. Reid or (b)(6) (b)(7)(C) during social events.

We also asked Employee 2 if she observed Mr. Reid kiss and hug anyone else. She told us that she saw Mr. Reid kiss and hug Employee 1. She said Employee 1 was the only other person she saw Mr. Reid kiss and hug.

Employee 2 told us that Mr. Reid and (b)(6) (b)(7)(C) tried to help her (b)(6) (b)(7)(C). She characterized their support as genuine and sincere. She told us that after she told Mr. Reid about he (b)(6), (b)(7)(C) she felt like she became his "little project." He offered to engage (b)(6), (b)(7)(C) and provide support given that (b)(6), (b)(7)(C) (b)(6) (b)(7)(C). Employee 2 added that Mr. Reid and (b)(6) (b)(7)(C) visited her and her family at her home on a few occasions.

Employee 1 told us that she observed Mr. Reid kiss Employee 2 occasionally, but it did not "make an impression on [her] as anything concerning or noteworthy." Employee 1 told us she observed them kiss as a form of greeting and after Mr. Reid and Employee 2 spoke about some (b)(6), (b)(7)(C). Employee 1 told us that she never observed Mr. Reid kiss Employee 2 on her lips. Employee 1 described the kisses as "professional cheek-to-cheek ... generally not even contact of the lips with the cheek," and that it was like an air kiss. She added that she witnessed Mr. Reid and Employee 2 hug in the workplace and outside the office in social gatherings, and that the hugs never seemed unwelcome because Employee 2 always reciprocated and seemed to be "smiling or appreciative."

Other Observations of Mr. Reid and Employee 2's Relationship

Of the 20 witnesses we interviewed, 11 witnesses raised no concerns about Mr. Reid and Employee 2's relationship.⁷ Two witnesses told us that they had few or no observations of Mr. Reid's interactions with Employee 2. Two other witnesses told us that Mr. Reid and Employee 2 had a challenged relationship, but one of them added that it was generally very cordial.

However, five witnesses described Mr. Reid's relationship with Employee 2 as something other than professional.

⁷ These 20 witnesses do not include Employee 2.

- Two witnesses told us that they perceived that their relationship was close but did not observe any conduct they thought was questionable. One of these witnesses also told us that Employee 2 would boast about her relationship with Mr. Reid, telling her staff about Mr. Reid coming to her house, and Mr. Reid and her commuting together.
- A third witness told us that he thought Mr. Reid and Employee 2 were “sort of affectionate towards each other, like in the way they spoke to each other,” although he never witnessed any “kissing, touching,” or “any of that stuff.” The witness added that Employee 2 saw Mr. Reid for “counseling on a regular basis ... so they definitely spent a lot of time together” and that Employee 2 was Mr. Reid’s go-to person.
- A fourth witness told us that Employee 2 would actually brag about her relationship with Mr. Reid. He described the two as an old married couple in part because they were always arguing. He also told us that they had a love-hate relationship and that there was deferential treatment between Mr. Reid and Employee 2.
- A fifth witness told us that Employee 2 made a comment during a staff meeting that if anyone wanted to have a good relationship with Mr. Reid, “you need to spend time with him and he needs to get to know you personally.”

Mr. Reid’s Description of His Relationship with Employee 2

Mr. Reid told us his relationship with Employee 2 started evolving in late 2017 after he noticed Employee 2’s performance (b)(6) (b)(7)(C). Mr. Reid characterized his relationship with Employee 2 as:

I’m pretty sure, for very long, I was the only one that knew her personal situation. ... She’s very proud, very guarded ... doesn’t trust a lot of people. And I was able to let her make me an ally, frankly to get her on her feet, work-wise, because the Government needs her. ... I cared about her, as a person.

Mr. Reid also told us that he “never sexually harassed anybody, male or female.” Mr. Reid told us that Employee 2 never told him that his kisses were unwelcome or gave him a negative response to his kisses on her cheek. He also denied kissing Employee 2 on the lips. He described his kisses with Employee 2 as:

In the sort of kiss on the cheek, farewell kind of a vibe Aligning my [conduct with] what I think is within the realm of social acceptability and professional appropriateness, and the environment we’re in. Nobody trained me in, you know, hugging and kissing, right? I am a product of this environment.

He described the hugs as “social” hugs, “just an arm on a shoulder” or “a pat on the back” and not an “embrace.” He stated, “The only physical contact I’ve ever had with [Employee 2] is just a brief hug hello, goodbye. A peck on the cheek. That’s it.” Mr. Reid also told us that the frequency of the hugs depended on how often they saw each other and at times they only saw each other once or twice a week and that he did not “keep a log book of every single time it happened.” He added

that when he hugged Employee 2 they were in a mutual space, and both seemed comfortable and seemed to feel that it was appropriate.

Mr. Reid told us that he had very productive and sometimes lively discussions with Employee 2 when discussing projects and reaching common ground. However, Mr. Reid told us he would not associate the farewell social hug with reconciliation.

Mr. Reid also stated:

Frankly, the higher level people seem to be more of this, you know, you act like you know people. ... It's like with some wives of some senior people ... we're all senior. We know each other, so you know, the wife kisses you on the cheek when you see them. ... I'm just trying to fit myself in the environment. I'm not trying to be a trailblazer on hugging and kissing policy around here. I don't have one. I'm just trying to comport to what I think works for the organization, never in a way that I would be seeking to make anybody feel left out or uncomfortable or offended.

Mr. Reid told us he did not consider himself a "touchy" person. However, he explained that the "brother hug" and the "hey brother, I love you brother" types of greetings were common in the special operations community, and although he "get[s] a little uncomfortable with that sometimes," he realizes it may portray him as rude and standoffish if he did not "do these brother hug things."

Mr. Reid also told us if the recipient of a greeting was a woman, he might give a:

light hug, appropriate little hug maybe, maybe a kiss on the cheek ... depending on the situation. ... I think the moment and the environment kind of lead themselves down those roads sometimes. Frankly, if I'm in a room full of people and people are all saying "hi" and people are doing the hugging and the kissing thing and then it comes to me, I don't want to be the outlier. ... I'll go along as ... as it's not over the line. ... I would never, never do anything ... intending to assert any kind of control or dominance over anybody. I think most people think I'm more aloof than I am a hugger and a toucher ... there's obviously a very significant set of boundaries and guidelines that we all follow ... everybody's different ... every situation, even the same person ... the context, and the moment, and the environment.

Mr. Reid's TCL Response Regarding His Relationship with Employee 2

2018 Interactions

Mr. Reid told us that in January 2018, Employee 2 confided in him about her (b)(6) (b)(7)(C). (b)(6) (b)(7)(C) He also told us that he offered Employee 2 his support, including engaging (b)(6) (b)(7)(C) because they (b)(6) (b)(7)(C) He added:

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

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

In addition, to providing Employee 2 with a network of support, Mr. Reid provided her other support. Mr. Reid told us that on one occasion, Employee 2 planned an official trip to a satellite office as part of her duties, but was concerned about (b)(6), (b)(7)(C). According to Mr. Reid, Employee 2 thought about (b)(6), (b)(7)(C).

Mr. Reid told us that for months Employee 2 (b)(6), (b)(7)(C) and, almost daily, had a (b)(6), (b)(7)(C). Mr. Reid also told us, "Employee 2's recurring (b)(6), (b)(7)(C) and her insistence on personal discussions with [him] resulted in a series of meetings in [his] office to discuss (b)(6), (b)(7)(C) and identify where her (b)(6), (b)(7)(C).

He told us that these meetings with Employee 2 about her (b)(6), (b)(7)(C) were very emotional for Employee 2. He stated he "recognized he was under-equipped to advise her, many times the best [he] could do was to offer words of encouragement and a reassurance that things would be ok in the long run." He also told us these meetings usually ended with a "hug for affirmation ... normally initiated" by Employee 2 because, according to him, "it was important for her to finish meetings on a positive note." He told us, "It was never sexual, never conditional, never tied to anything other than simple compassion for someone (b)(6), (b)(7)(C)." Mr. Reid also told us that Employee 2 never expressed any indication that his interactions with her included unwanted interest or affection.

We asked Mr. Reid if he documented these meetings. He told us he did not document them as they were usually informal and were "maybe add-ons to other normal meetings ... but never approached [them] as (b)(6), (b)(7)(C) that required any sort of memorandum for record." He told us that his thought process, at the time of dealing with Employee 2's (b)(6), (b)(7)(C) as, "I'm trying to keep her from hurting our mission and trying to keep her helping our mission." He told us:

In the end, in light of everything she did, and in light of the circumstances, I gave her a (b)(6), (b)(7)(C) rating because I thought she held it together and she did a good job. And I thought the Government needed her, frankly, more than she needed the Government. I thought we needed her in service ... and I wanted to keep her career moving forward.

He also told us he "accommodated [Employee 2's] (b)(6), (b)(7)(C) because [he] was concerned for her welfare, and because her ... expertise was an indispensable component of [their] mission success throughout 2018." He added that with the accelerated decision to move the DoD (b)(6), (b)(7)(C) process under his portfolio and him having a limited background in the mission area, Employee 2's leadership and experience, "was so indispensable" in accomplishing the mission and he "honestly couldn't really afford one day without access to her and her expertise ... and [he couldn't] overstate how important it was to keep her involved in the decisions [his office was] making and that's really the reason why [he] put so much effort into keeping her on the job."

According to Mr. Reid, all of Employee 2's written, verbal, and physical communications with him were and continue to be "positive and express a deep sense of gratitude and appreciation." Mr. Reid added that Employee 2, "not only sought personal interaction, she insisted

it was a condition of a cooperative work relationship" and that "she made extensive use of text messages to [him] and (b)(6), (b)(7)(C) to perpetuate personal interaction throughout 2018."

Mr. Reid provided copies of conversations via text messages he received from Employee 2 during 2018.⁸ (b)(6), (b)(7)(C) and Employee 1 were also included in some of the text messages.⁹ Employee 2 also sent various pictures of her and (b)(6), (b)(7)(C) including one of her in a two-piece bikini in a hot tub. These text messages included topics such as (1) the support that Mr. Reid and (b)(6), (b)(7)(C) provided Employee 2 (b)(6), (b)(7)(C) (2) Employee 2's thankfulness for their support; and (3) comments regarding a positive working relationship between Mr. Reid and Employee 2. Table 2 includes representative samples of the text messages.

Table 2. 2018 Text Messages between Mr. Reid, (b)(6), (b)(7)(C) Employee 1, and Employee 2

Date	Conversation Details
Jan. 5, 2018	Mr. Reid texts Employee 2, telling her, "Want you to know I am very PROUD of you for staying home today. I know how strongly you want to be here and you should also know we all love to work with you and watch you in action." Employee 2 responds, "So thank you for not giving up on me, and most importantly, for caring so much. I'm so very lucky to have you in my life!! I really mean that."
Aug. 18, 2018	Employee 2 texts Mr. Reid and (b)(6), (b)(7)(C) "So I'm still amazed at all my awesome gifts!!! I really can't say thank you enough for today, you guys are so good to us. ... You are both my angels ... I honestly don't know how I'd have survived this past year without you both and your constant support and advice. I truly couldn't ask for kinder, sweeter, more amazing friends than the two of you!!! (b)(6), (b)(7)(C) and I are so very lucky to have you in our lives!! Mr. Reid responds "Of course really enjoyed the family time with you guys." (b)(6), (b)(7)(C) responds, "We had a great time celebrating your birthday!!!"
Nov. 17, 2018	Employee 2 texts Mr. Reid, "I feel like you and I need more bi-lat time ... you have a strong bi-lat with [Employee 1] and I feel like our bi-lat has suffered ... it's never just me and you." Mr. Reid responds that he would "make effort for more 1v1" with her. She responds, "Ok thank you, I really wasn't trying to be critical. It was more of a request I guess."
Nov. 22, 2018	Mr. Reid texts Employee 2, "Hope you are all set for a great holiday weekend with your beautiful family. I know they love you and think you're the best and (b)(6), (b)(7)(C) ever. ... I really appreciate you and am very thankful for knowing you, learning from you, working with you, and for you allowing me to get to know you (and (b)(6), (b)(7)(C) Employee 2 responds, "Thank you for the very kind thanksgiving thoughts I appreciate you and (b)(6), (b)(7)(C) SO MUCH ... your kindness and support and friendship has gotten me through (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) and I will never forget it!!"
Dec. 24, 2018	(b)(6), (b)(7)(C) initiates a conversation about the upcoming Christmas holiday and exchanges holiday pictures with Employee 2. Mr. Reid enters the conversation expressing to Employee 2, "Another little known fact - we love you guys and hope you have a very special day tomorrow." Employee 2 responds, "Awww thank you so much, I couldn't have made it through without you two!! My guardian angels!! ... Love you guys!!!"

2019 Interactions

According to Mr. Reid, his interactions with Employee 2 started fading in January 2019 after OUSD(I)'s reorganization. In (b)(6), (b)(7)(C) Employee 2 (b)(6), (b)(7)(C)

⁸ Because Mr. Reid volunteered copies of the text messages between him (b)(6), (b)(7)(C) and Employee 2 received on his personal cellular phone, we are unable to confirm whether we received the whole universe of text messages. We considered these text messages a representative sample of the 2018 text messages. In total, the conversations he provided included 93 text messages. Of these, 49 were Employee 2's, 23 were Mr. Reid's, and 21 were from (b)(6), (b)(7)(C) and Employee 1.

⁹ Mr. Reid told us that Employee 1 was also part of Employee 2's support network.

Mr. Reid's organization but under his oversight. Mr. Reid told us that in late spring of 2019, Employee 2's director resigned and Employee 2 began posturing herself, within the component, to become the acting director.

He added that in June 2019, their relationship deteriorated when the USD(I) made the decision to select someone else as the acting director. He stated, "Employee 2 expressed grave disappointment that [Mr. Reid] did not eagerly support her self-generated advancement" and "lashed out" at him for not discussing with her the plans for the acting director position.

Mr. Reid told us that Employee 2 “stopped collaborating with [him] and became openly hostile to [his] efforts to provide oversight of [her component]” and that they “rarely communicated until the August time frame when she called to inform [him] she had accepted a job in (b)(6), (b)(7)

Additionally, Mr. Reid also told us he saw Employee 2 briefly in December when Employee 2 “was [going] through [their] neighborhood” and “asked if she could to stop by” to pick up (b)(6), (b)(7)(C) for a ladies meeting, at which point they exchanged pleasantries.

We asked Mr. Reid if he could provide copies of text messages between him and Employee 2 during 2019. He stated that due to her departure and the fading of their working relationship, they did not have much communication during this timeframe; therefore, he did not provide any.¹⁰

2020 Interactions

Mr. Reid told us that up until recent months Employee 2 continued “to be the instigator of personal contact.” He provided copies of 133 texts messages between him and Employee 2 between January 1 and February 5, 2020.¹¹ Employee 2 also included 11 pictures of her and her family while on vacation. In these text messages, Employee 2 mainly engaged Mr. Reid in conversations about her family vacation, exercise and fitness, and news articles involving Mr. Reid’s work.

Table 3. 2020 Text Messages between Mr. Reid and Employee 2

Date	Conversation Details
Jan. 1, 2020	Employee 2 initiates a conversation with Mr. Reid saying "Happy new year!!" and texts him 15 times including eight pictures of herself and her family vacationing on the beach.
Jan. 12, 2020	Employee 2 initiates a conversation with Mr. Reid by texting him an article related to his work. They exchange views on the article and then transition to talking about exercise and fitness.
Jan. 18, 2020	Employee 2 and Mr. Reid engage in conversation on Mr. Reid's work and exercise and fitness. Employee 2 texts, "How are you? I'm sure optempo has been insane ... I feel guilty that I'm not there to help you, but I know you don't need me." In addition, Employee 2 compliments Mr. Reid on his work, again, after she texts him an article relevant to his work. Employee 2 texts, "Btw that is a very good statement. ... I knew it was you the second I read it. Honestly. ... Really good."
Jan. 31, 2020	Employee 2 texts Mr. Reid asking if he knew about the status of her (b)(6), (b)(7)(C) and then transitions the conversation and sends Mr. Reid a screenshot of a social media news headline.

¹⁰ We also asked Mr. Reid to provide 2017 text messages. He told us that the text messages primarily began in 2018 after he learned about Employee 2's (b)(6), (b)(7)(C) and offered to engage (b)(6), in their interactions.

¹¹ The 133 text messages consisted of 102 written by Employee 2 and 31 written by Mr. Reid.

Mr. Reid told us he offered the text messages, specifically the ones from 2020, as:

... a counter to the assertion that I had harassed [Employee 2] to the point of despair and that a logical person would think if that were true, than she would no longer stay in contact with me, AND by the way, I offered that because there was also a suggestion about me making her life 'hell' and there is a dimension of sexual harassment where it talks about an individual's future opportunities. I wanted to make it clear that after January [2020], when she's no longer in the Government, I hold nothing over her -- if anyone ever thought I did -- I was just trying to disabuse anyone of assuming that somehow she was only in contact with me because I have some career leverage over her.

He also told us that he thought these messages were not "particular[ly] noteworthy" aside from the fact they exist. He also provided them because they included pictures that he thought "painted a useful picture of what [he] would describe as a more friendly, social relationship" between him and Employee 2.

Mr. Reid speculated that Employee 2 told us that he provided her unwanted kisses and hugs for a couple of reasons. He told us one of them was probably out of "self-defense to make sure she wasn't being accused of anything so she just accused me instead." Mr. Reid alluded to the "rumor flying around [the organization] that [he and Employee 2] were having some kind of a relationship" and the anonymous complaint of an alleged sexual affair between the two. He also believed she may have done it out of revenge and retaliation because he did not continue to support her career advancement desires. He added that "she took that very negatively -- that [he] didn't have her back."

Mr. Reid added:

I sit here watching TV with Harvey Weinstein and everything else going on here, and again I'm still in shock that you came in here and you told me of all the things you included that I sexually harassed [Employee 2]. But I did nothing of the sort and did everything to the contrary to help her, and she agreed with the help and she would be the first to tell you I helped her. So I can only offer up alternate theories because I've got nothing else to throw back at you.

Mr. Reid stated "I may be guilty of being too supportive, too tolerant, and too sympathetic towards her, but I am not a sexual predator and I did not sexually harass her."

Conclusion regarding Mr. Reid's Relationship with Employee 2

We did not find evidence to substantiate the anonymous allegation that Mr. Reid and Employee 2 engaged in a sexual affair and both denied the allegation. We also did not find sufficient evidence to determine that Mr. Reid's conduct toward Employee 2 constituted sexual harassment or some other form of misconduct.

Employee 2 told us that Mr. Reid hugged and kissed her, unwantedly, on at least three occasions, and that one of these kisses was on her lips, making her feel uncomfortable. However, she also told us the kiss was not intimate and described it as "just a peck." She also told us she considered herself a hugger but was never comfortable with anything but a quick hug.

Mr. Reid denied sexually harassing Employee 2. Mr. Reid admitted to us that he kissed and hugged Employee 2, but that the kisses were always on the cheek and never on the lips. Mr. Reid described his kisses with Employee 2 as socially acceptable and professionally appropriate like “just an arm on a shoulder” or “a pat on the back” and not an embrace.

Mr. Reid had a series of meetings with Employee 2 to discuss her work performance and the challenges she endured while dealing with her (b)(6), (b)(7)(C). According to him, these meetings were very emotional for Employee 2 and they usually ended with a hug initiated by her because “it was important for her to finish meetings on a positive note” but that they were never sexual. Additionally, Employee 2 never expressed any indication that his interactions with her included unwanted interest or affection.

Mr. Reid and (b)(6), (b)(7)(C) provided Employee 2 support while she went through (b)(6), (b)(7)(C). According to Mr. Reid, Employee 1 was also part of the support network he provided Employee 2. Throughout 2018, they maintained a close friendly relationship with Employee 2 and developed a personal friendship with Employee 2 and her family outside the office. This relationship included text messages initiated by Employee 2 with Mr. Reid and (b)(6), (b)(7)(C) showing Employee 2’s appreciation for their support (b)(6), (b)(7)(C).

Employee 2 also included Employee 1 in some of the text messages. Employee 1 occasionally observed Mr. Reid and Employee 2 greeting each other with a kiss on the cheek or after speaking about personal issues; to her the kisses were not concerning or noteworthy. She also witnessed them hug, in and outside the office. Employee 2 always reciprocated and seemed to be smiling or appreciative during the hugs so to Employee 1, they never seemed unwelcome.

Further, recent 2020 text messages between Employee 2 and Mr. Reid portrayed that they still maintained a friendly and close relationship. The text messages showed that Employee 2 frequently engaged Mr. Reid in common interest conversations and showed support for his work. Employee 2’s texts also included pictures of herself and her family on vacation.

Considering the totality of the relationship between Mr. Reid and Employee 2, we did not find sufficient evidence to determine that Mr. Reid’s conduct toward Employee 2 constituted sexual harassment or some other form of misconduct.

B. MR. REID’S USE OF PERSONAL E-MAILS TO CONDUCT OFFICIAL DOD BUSINESS

We analyzed Mr. Reid’s DoD e-mails sent and received from January 2015 through May 2019 to search for information relevant to the complaints we investigated. During our analysis, we found e-mails that Mr. Reid sent to or from his personal e-mail accounts or to a subordinate’s personal e-mail account that contained official DoD information.

Analysis of Mr. Reid’s Use of Personal E-mails to Conduct Official DoD Business

We found 29 unique e-mail conversation threads containing a total of 65 e-mails that Mr. Reid sent to or from his personal e-mail accounts or to a subordinate’s personal e-mail account and that contained official DoD information.¹² We sorted those 65 e-mails into four groups based on content. Table 4 describes the type of each content group.

¹² An e-mail “thread” is a conversation taking place within an e-mail application that includes a running list of the first e-mail message and succeeding replies.

Table 4. Personal E-mail Thread Types Defined by Content

Type of Content		Number of E-mails
Content Type 1	DoD Security Clearance Process	21
Content Type 2	DoD Security Clearance Strategies	28
Content Type 3	DoD Funding of the Central Adjudication Facility ¹	5
Content Type 4	CL&S Reorganization and Outreach Events	11

¹ According to its website, the DoD Central Adjudication Facility determines security clearance eligibility of non-intelligence DoD personnel occupying sensitive positions.

The following sections include descriptions and examples of each of the four personal e-mail content types.

Content Type 1 – DoD’s Security Clearance Process

This group included 21 e-mails that discussed DoD’s security clearance reform, which Mr. Reid sent to or from his personal e-mail accounts or to a subordinate’s personal e-mail account. The e-mails involved Mr. Reid collaborating with other DoD officials and contractors on the DoD’s security clearance and personnel screening processes. The following are examples of Mr. Reid’s e-mails contained in this content group.

- On November 13, 2017, Mr. Reid forwarded to his personal e-mail account an e-mail that discussed background investigation process performance indicators in two sets of briefing charts marked “Controlled Unclassified Information.”
- On April 30, 2018, Mr. Reid used his personal e-mail to forward to his and a subordinate’s personal e-mail accounts an e-mail marked “Unclassified//FOUO” with attached briefing charts that discussed the security clearance personnel screening process.
- On August 9, 2018, Mr. Reid forwarded to his personal e-mail account briefing charts received from the Deputy OUSD(I) that discussed the risks within the personnel screening process. Some of the briefing charts were marked “Unclassified//FOUO” and one was marked “Controlled Unclassified Information.”
- On March 20, 2019, Mr. Reid forwarded an e-mail to his personal e-mail account with briefing charts marked “FOUO” that discussed reforms to DoD’s security clearance processes.

Content Type 2 – DoD Security Clearance Strategies

This group included 28 e-mails that discussed strategic guidance on the DoD’s background investigation process. The following are examples of Mr. Reid’s e-mails contained in this content group.

- On November 12, 2017, Mr. Reid forwarded to his personal e-mail account a discussion on tasking issues between Mr. Reid’s office and a subordinate agency. This e-mail also included briefing charts that discussed the backlog of DoD background investigations.

- On August 13, 2018, Mr. Reid forwarded to a subordinate's personal e-mail account an e-mail and a briefing chart that discussed DoD's security clearance backlog reduction strategy.
- On April 29, 2019, Mr. Reid forwarded to his personal e-mail account briefing charts marked "Unclassified//FOUO" that discussed the protection of DoD contractor cyber networks. The slides were originally sent to Mr. Reid's and other senior DoD officials' DoD e-mail accounts.

Content Type 3 – DoD Funding of the Central Adjudication Facility

In this group of 5 e-mails, Mr. Reid and other DoD officials discussed funding for the Central Adjudication Facility. These e-mails, dated January 24–25, 2019, included documents that discussed the Central Adjudication Facility's unfunded requirements, funding shortfall, and briefing charts marked "Unclassified//FOUO." These e-mail discussions included one of Mr. Reid's subordinate's personal e-mail account.

Content Type 4 – CL&S Reorganization and Outreach Events

This group included 11 e-mails that discussed Counterintelligence, Law Enforcement, and Security (CL&S) outreach events and the CL&S reorganization. The following are examples of Mr. Reid's e-mails contained in this content group.

- On January 25, 2016, Mr. Reid forwarded to his personal e-mail account talking points for a phone call with congressional staffers on background investigations marked "Draft/Pre-Decisional/Unclassified/FOUO."
- On November 12, 2017, Mr. Reid forwarded to two of his personal e-mail accounts his draft testimony to a House committee.
- On September 21, 2018, Mr. Reid forwarded to his personal e-mail account a trip book marked "FOUO" which included agendas and meeting details for an upcoming official trip.¹³
- On January 3, 2019, Mr. Reid forwarded to a subordinate's personal e-mail account a proposed office chart for the reorganization that included the employee names, positions, and pay grades.

Mr. Reid's Comments on Use of Personal E-mails to Conduct Official DoD Business

We asked Mr. Reid why he used his personal e-mail accounts to conduct official DoD business. Mr. Reid told us that the Government provided him with a device (a MobiKEY) to access his work computer from his personal home computer. He stated that the MobiKEY would not always work, so he would forward his Government e-mails to his personal e-mail accounts.

¹³ A trip book includes all details of a senior leader's official trip or visit while on temporary duty.

Mr. Reid explained that when he worked from home or during the weekends, he used his MobiKEY to connect to his government computer through "a virtual desktop" on his personal computer. He stated:

Unfortunately, sometimes the MobiKEY system doesn't work. And so, the only solution I would have would be to drive to work to open [the e-mail], or to send it to myself and open it and look at it. And I have done that. My understanding about the boundaries for all of this is that anything I do on my home computer, that has a work dimension to it, I have to copy it back to my work account, right. ... I can't have a separate computing system going. So it's my understanding, if I'm e-mailing myself at work from home, I've -- that is in the archive of my government e-mail account, right. So it's not hidden from the Government, as opposed to, I'm totally working rogue on my home computer, e-mailing other people in the Government, doing work.

Mr. Reid stated that he understood that he could forward unclassified and unencrypted e-mails from his Government computer to his personal e-mail accounts.

We asked Mr. Reid why his personal e-mail addresses listed (b)(6), (b)(7)(C) name and initials. Mr. Reid told us he and (b)(6), (b)(7)(C) shared the same e-mail accounts on their home computer and personal phones. He told us he did not have any safeguards that prevented (b)(6), (b)(7)(C) from accessing his work related e-mails. (b)(6), (b)(7)(C) is not a Government employee and did not have an official need to know or required access to the information that Mr. Reid sent to their shared e-mail accounts.

Mr. Reid also told us:

But, you know, (b)(6), (b)(7)(C) is not sending around [official documents] to anybody. ... if this government-provided solution was a little more capable, I wouldn't be put in this dilemma of sending myself these charts. But I would never do anything that I thought was jeopardizing sensitive information.

We asked Mr. Reid about his understanding of risks or benefits of using his personal e-mail to conduct official business, Mr. Reid stated:

The benefit I was trying to achieve was to meet a deadline on a scenario where the solution I've been provided by the Government was inadequate. And I guess you could argue that I made a decision of expediency of not driving to the Pentagon to open it, which I have done plenty of times on a classified e-mail. And/or I could have said "sorry, boss ... I'll read it in the morning." So I guess in the future, I should not do that. But it wasn't done in a way to jeopardize the Government's information or the Government's mission.

We asked Mr. Reid to comment on the e-mail dated August 9, 2018, which included briefing charts marked "Unclassified//FOUO" and "Controlled Unclassified Information." Mr. Reid told us that he thought this e-mail was an example where he could not open the file attached to the e-mail using the MobiKEY, and he had to open it "at 8 o'clock at night and look at it for some reason, and that's what I did."

We also asked Mr. Reid to comment on the e-mail dated March 20, 2019, which included briefing charts marked "FOUO." Mr. Reid told us he was at an offsite meeting to present the briefing

charts. He said that the individual in charge of displaying the briefing charts could not get them to show properly on the projector, so Mr. Reid forwarded the slides to his personal e-mail account and presented them using his personal phone.

We asked Mr. Reid about training he had taken related to the use of non-government e-mail to conduct official business. Mr. Reid stated:

Again, my understanding of the relationship between this is that if you do something on your home computer that's work-related, it need[s] to be informed to your government account. ... If I had to do it all over again, I obviously would pay more attention to that FOUO marking at the bottom of that slide. ... And I probably should have known better.

During the interview we showed Mr. Reid a copy of Deputy Secretary of Defense Memorandum, "Conducting Official Business on Electronic Messaging Accounts," dated January 16, 2018. The memorandum emphasized that "non-official electronic messaging accounts including personal email accounts, must not be used to conduct official DoD communications, with very few exceptions." The memorandum also stated that "personal or other non-official email accounts may be used for official business only in those rare and extraordinary situations where an official email capability is not available." The memorandum provided an example of "extraordinary," stating that it "could be when a DoD official is out of the office without access to official communication channels and must send an urgent DoD mission-related e-mail."

After, Mr. Reid read a copy of this memorandum, we asked him if he had any additional comments on the issue of his use of his personal e-mail accounts to conduct official government business. He told us:

Reading over the policy about [when official e-mail] in extraordinary circumstances [is] not available, I have a situation where work e-mail capability is provided to me and it is sometimes not available, because the system doesn't work. And the urgency of the moment necessitated a work-around. ... I would say that I created both of those documents [the e-mails that we showed him]. Had they been someone else's document, I probably would have taken a pause to that. ... There was nothing sensitive about that information that would be of a national security concern. But I accept your point that I did send those documents.

Mr. Reid's TCL Response Regarding His Use of Personal E-mails to Conduct Official Business

Mr. Reid disagreed with our conclusion that he violated DoD policies when he used his personal e-mail accounts to conduct official business. Mr. Reid stated that he used his personal e-mail accounts out of necessity to meet "the fast-paced, short-fused mission requirements, normally working at home late at night to meet overwhelming demands" of his office's mission.

Mr. Reid wrote:

I believe the investigators did not have sufficient information to properly assess the "rare and extraordinary" situations I was facing at the time of these emails. Overall my execution of [his office's] mission has been described repeatedly by the USDI as a "no fail" endeavor. My instructions were to get the mission done, no exceptions. I did what I had to do to meet these high demands. I do not deny that some of these included attachments

marked "For Official Use Only," but I explained to the investigators that these materials could have been properly marked as "Unclassified." I agree I should have removed the markings before sending the attachments.

Mr. Reid also stated that he "acted believing that [he was] authorized to conduct official business using [his] personal computer." Mr. Reid assumed that because he needed to use his personal computer to virtually connect to his desktop and work remotely, he "did not think it was an issue to send [e-mails] from one account to the other." In addition, Mr. Reid stated that during the past two years, he has had frequent quick turnaround work requirements needing his review and edits, which he believed met "the 'rare and extraordinary' standard for use of personal computers to conduct official business."

Further, Mr. Reid stated that because the MobiKEY would not connect to the server, his only option was to send himself an e-mail to his personal e-mail account and open it on his personal computer.

Mr. Reid told us he did not have a written waiver or verbal guidance to use his personal e-mails for official business when his MobiKEY did not work. He also told us that "[he] believed [he] applied the policy test of determining whether it was a rare and extraordinary necessity" and that he felt "empowered to make those judgments in the moment and not seek a waiver for higher level approval."

Conclusion regarding Mr. Reid's Use of Personal E-mails to Conduct Official DoD Business

We concluded that Mr. Reid used his personal e-mail accounts to conduct official DoD business in violation of DoD policies described in Appendix A. We agree with his statement that "[he] probably should have known better."

We determined that Mr. Reid forwarded DoD official communications and information marked as "FOUO," "Unclassified/FOUO," and "Controlled Unclassified Information" to his personal e-mail accounts, which were shared accounts for him an (b)(6), (b)(7) . The content of these official e-mails covered a variety of topics, including DoD's security clearance processes and strategies, funding for the Central Adjudication Facility, and CL&S's reorganization and outreach events.

DoD policy allows the use of personal e-mails under rare and extraordinary situations to send urgent DoD mission-related emails. We determined that the content and nature of the e-mails did not meet these criteria to justify using personal e-mail accounts. Other than an e-mail to himself of slides on March 20, 2019, to facilitate an ongoing briefing, the content and nature of the e-mails did not constitute rare and extraordinary situations to send urgent DoD mission-related emails.

For example, Mr. Reid used his personal e-mail account to send or receive e-mails regarding the performance of the DoD background investigation process, the risks associated with the process, backlogs in the process, and reforms to the process. Another e-mail contained a proposed office chart for the reorganization of his office that included names, positions, and pay grades. We disagree with Mr. Reid's argument to us that "the urgency of the moment necessitated a work-around" and therefore justified his regular use of his personal e-mail account to conduct official business. We found nothing in these e-mails that was urgent or justified the use of his personal e-mail account.

Mr. Reid told us that the Government provided him with a MobiKEY to access his work computer from his personal home computer. He stated that the MobiKEY would not always work, so he would forward his Government e-mails to his personal e-mail accounts.

According to Mr. Reid, he believed that his conduct was authorized as long he forwarded unclassified and unencrypted e-mails to his personal e-mail account from his Government computer, because there was an archive in his Government e-mail account so the forwarded e-mails were not hidden from the Government.

However, Mr. Reid's explanation of the DoD e-mail policy is incorrect; the policy does not include such an exception. The DoD policy prohibits the use of an employee's personal e-mail account for official Government communications unless you meet the criteria governing exceptions to the general rule.

Furthermore, we disagree with Mr. Reid's explanation that a problem with his Government MobiKEY to access his office computer through his personal computer at home justified sending official Government documents regularly to his personal e-mail account. A problem with his Government MobiKEY does not fulfill the DoD requirements for an exception to justify the regular use of his personal e-mail. The DoD policy states that exceptions to use one's personal e-mail account for official DoD communications are rare, extraordinary, and urgent.

We determined that he used his personal e-mail accounts to conduct official Government business on multiple occasions. For instance, the 16 sample e-mails highlighted in this report were sent on 13 different days. If his MobiKEY failed on 13 different days, Mr. Reid should have sought a better solution rather than continuing to conduct official Government business on his personal e-mail accounts. DoD policy states that convenience does not justify use of his personal e-mail accounts.

Moreover, we reviewed the content and nature of his e-mails and determined that, except for one e-mail, Mr. Reid's e-mails did not include matters that were rare, extraordinary, urgent, or emergencies. In addition, Mr. Reid repeatedly forwarded DoD official communications and information marked as "FOUO," "Unclassified/FOUO," and "Controlled Unclassified Information." DoD Manual (DoDM) 5200.01, Volume 4, DoD Information Security Program: Controlled Unclassified Information (CUI), May 9, 2018, describes CUI as certain information requiring "application of access and distribution controls and protective measures." The manual also states that no person may have access to FOUO information unless that person has a valid need to know in connection with an authorized Government purpose. Sending such information to a personal e-mail account shared with a spouse not employed by the Government does not comply with access and distribution controls. Given Mr. Reid's responsibilities in intelligence and security within DoD, we find his conduct in this matter particularly problematic.

In short, convenience is not an acceptable reason to use personal e-mail to conduct official DoD business. We found no evidence that Mr. Reid's use of personal e-mail met the DoD's criteria for rare and extraordinary circumstances, or that he requested or received an exception to policy to use his personal e-mail account to conduct official DoD communications. Therefore, we concluded that his use of personal e-mail violated DoD standards.

After carefully considering Mr. Reid's TCL response we stand by our conclusion that Mr. Reid used his personal e-mail accounts to conduct official DoD business in violation of DoD

policies. If Mr. Reid believed that his use of personal e-mails was necessary to conduct official business, he should have requested an exception to the DoD policy.

C. TREATMENT OF EMPLOYEE 2 AND ALLEGED NEGATIVE WORK ENVIRONMENT

An anonymous complaint alleged that Mr. Reid criticized and insulted Employee 2 during meetings, and made her cry during meetings on several occasions. Another anonymous complaint alleged that Mr. Reid created a negative work environment, and that the environment was combative. We therefore investigated whether Mr. Reid fostered a negative work environment by failing to treat subordinates with dignity and respect.

Mr. Reid's Treatment of Employee 2

One witness told us that he observed Mr. Reid critique subordinates during meetings after they had done something wrong but that Mr. Reid did not "criticize a female subordinate any more than a male subordinate." None of the witnesses told us that Mr. Reid made any employee cry. Employee 2 told us that Mr. Reid was critical of her during meetings, but that he never made her cry. She also told us that Mr. Reid never yelled or used profanity toward her in public.

Employee 2 also told us that both she and Mr. Reid used profanity during their private heated conversations about their working relationship. However, she added "I don't remember him cursing at me ... it was never at me." We asked her what type of profanity he used. She told us "like every [word] in the book" and "like everybody [in DoD]" and said that he would say something was "f'ed up" or someone who was not present was an "f'ing idiot."

No witnesses told us that Mr. Reid directed profanity at individuals. However, one witness told us that, on at least two occasions, she overheard Mr. Reid and Employee 2 in screaming matches during video teleconference calls, and yelling at each other. (b)(6), (b)(7)(C)

Employee 2's door was closed but the conversation was so loud that "you could hear every word" outside Employee 2's office.

The witness also told us that Mr. Reid and Employee 2 had a "very challenged relationship." According to the witness, Employee 2 "felt stressed because [she and Mr. Reid] couldn't figure out how to work together as effectively as probably either one of them wanted."

Unfavorable Remarks about Mr. Reid's Leadership

Of the 21 witnesses we interviewed, 19 told us that they observed Mr. Reid interact with subordinates. Seven of these witnesses provided unfavorable comments about Mr. Reid's leadership. These witnesses described Mr. Reid as "nasty," "gruff," "moody," "unpredictable," "not very communicative," or "incredibly inconsistent."

One of these witnesses described Mr. Reid as:

Not giving you the time of day. Ignoring you. Not acknowledging your presence. Just being like ... when he's talking to you, like he's interrogating you, talking to you like you're the gum on his shoe, bottom of his shoe. Just no, even basic human respect. I mean it was just like he had no time for you. If he was not happy with you, you knew it and you felt it.

Another one of these witnesses told us:

You will hear quite often ... "I hope he's in a good mood today, or a decent mood today." ... So if he's cranky, you're going to get not necessarily a good meeting ... it's kind of painful.

Another one of these witnesses told us Mr. Reid could get "angry" and "downright mean" when "things weren't going well and he wanted answers ... he wanted things done and things weren't done." The witness also told us that this was based on the situation or meeting and not directed toward an individual or individuals.

Another one of these witnesses told us that "he can be very combative." She stated:

He'll ask a question and ... he will listen to your first three words before -- it's almost like [he's] starting an argument and it's very difficult to communicate with that. It's like he doesn't necessarily want to listen to the answer. He's very smart. He picks up on things very easily, but he has very little trust in individuals, and he will tell you whether he trust[s] someone or not ... everybody's wrong, or stupid, or doesn't know their business. So it can be very challenging to have a conversation. ... At times, I've seen him with a good sense of humor, but that's on a rare occasion.

However, none of the witnesses told us that Mr. Reid was demeaning or publically humiliated subordinates.

Favorable Remarks about Mr. Reid's Leadership

Twelve of the 19 witnesses that observed Mr. Reid interact with his subordinates provided favorable comments about Mr. Reid's leadership. These witnesses described Mr. Reid as "smart," "strategic," "successful," and "honest." Witnesses also described him as "firm," and "blunt"; however, never as "inappropriate" or "disrespectful." Mr. Reid was also described as an "introvert."

One of these witnesses told us:

I just feel like I've never had to question what's on his mind. ... I go to him for direction or guidance. ... I feel like I'm getting the guidance that I need from him and I feel like he does that with other people too.

Another one of these witnesses told us that Mr. Reid could be a "little rough around the edges and a little direct, but [Mr. Reid] was very professional and a super smart individual." Another witness told us Mr. Reid was direct with the witness and other individuals but "not to a point where I can't take it or I don't want to deal with him" or "he's being improper." The witness also told us that "he's an intense guy" but "it's not like he's unprofessional and berated me or called me curse words, or called me stupid or anything like that."

The Deputy USD(I) told us:

I equate him to a pit bull as in if you give him something and he will be kind of dogged about getting it done I have people that can't communicate well, I think he does. He does figure out a way to communicate things. He is very knowledge--for not having a security background he has become very

knowledgeable on his portfolio and I do trust his, and rely on his expertise. Having said that he does have sharp elbows. He has a caustic tone. There have been several, or a handful of individuals, as they've left the organization say it's really hard, it's been really hard ... to work for him. ... It's hard to get things out of him or his front office. But I also see obviously flashes of him doing his job very well, him building relationships, him getting things done effectively.

Mr. Reid's Comments on Treatment of Employee 2 and Leadership

Mr. Reid told us that he never criticized or insulted Employee 2 in public. Mr. Reid also told us that he did not yell or direct profanity at individuals. We asked Mr. Reid if he remembered publicly criticizing or insulting any subordinate. He told us:

No, no. Well, none of it's public. Within my leadership team, if we're coaching and talking about how to improve, or what's going on, absolutely ... there's transparency amongst our leadership team ... they're trusted to understand what's going on with their peers and their people on their left and right. It's not to denigrate anybody. If somebody has room to improve on an area, and I don't think I'm betraying some personal commitment to that person, sure. I do it about myself. I criticize myself more than anybody.

We asked Mr. Reid about his leadership style. He told us that he takes a "hands-on approach." He added:

I do not put on some aura of "executiveness" that's impenetrable. I don't surround myself with people that no one can get through. I'm accessible. I'm engaged on the substance of what we're working on. I am very compassionate towards people's personal side. ... I'm always telling them hey, you got to look out for yourself and your family. It's more important than what we're doing here. Take as much time as you need. We will cover for you. My leadership philosophy is, everybody's got something. You're not the only one. If you got a personal issue, you need to take a breather, somebody else will step up for you, as you would for them. I take a very small-unit approach to everything, because that's where I came from. I don't take a corporate big shot approach. ... I encourage and expect people to have the subject matter expertise that comes with the job. I expect them to be able to put policy advice into whatever document it is that's worthy of the Secretary's attention. I like to keep things humorous, and light in the office, try to have a good time during the day, make people enjoy coming to work. I enjoy coming to work.

We asked Mr. Reid if he ever made anyone cry during meetings. Mr. Reid said, "I'm not driving people to tears." He added he would never "push somebody to the point of being in tears in a meeting." He explained that he had observed "people in meetings, the nervousness that you can tell their voice is cracking because they're nervous" and he would try to "disarm away from that and make them feel comfortable."

We also asked Mr. Reid about his office's work environment. He told us that he believed the work environment was "generally positive" primarily due to the importance of the work that his office does. He added that no one came to him about any "tension within the system [and] my office is always open."

Conclusions regarding Treatment of Employee 2 and Alleged Negative Work Environment

We did not substantiate the allegation that Mr. Reid fostered a “negative work environment” by failing to treat subordinates with dignity and respect.

One witness described Mr. Reid and Employee 2’s relationship as “challenged” based on hearing them yell at each other behind closed doors. Employee 2 described some of her conversations with Mr. Reid behind closed doors as heated and Mr. Reid described them as lively. Although Mr. Reid and Employee 2 used profanity during these heated conversations, we found that Mr. Reid never used profanity directed toward her, or publically demeaned or humiliated her.

Seven witnesses provided us with unfavorable comments concerning Mr. Reid’s poor, direct, or unpredictable communications. They also referred to him as gruff and moody. For instance, one witness said that Mr. Reid could get angry, but that his anger was directed at situations, not individuals. None of the witnesses told us that Mr. Reid demeaned or publically humiliated subordinates.

Additionally, Mr. Reid denied directing profanity towards a subordinate.

In addition, twelve witnesses provided us with favorable comments about Mr. Reid’s leadership style. These witnesses told us that Mr. Reid had positive leadership skills and was always appropriate and never disrespectful.

While the comments regarding Mr. Reid’s conduct were not all positive, they did not rise to the level of violations of the JER. In this investigation, we considered the JER, which emphasizes primary ethical values including fairness, caring, and respect that should guide all DoD employees. While Mr. Reid’s conversations with Employee 2 about their working relationship were heated, and there were other instances of anger, they were not publically demeaning or humiliating conduct in violation of the JER. Therefore, we determined that Mr. Reid did not fail to treat Employee 2 or any other subordinate with dignity and respect.

In summary, we did not substantiate the allegation that Mr. Reid fostered a negative work environment by failing to treat subordinates with dignity and respect.

IV. OVERALL CONCLUSIONS

Mr. Reid engaged in an overall course of conduct with Employee 1 that created a widespread perception of an inappropriate relationship and favoritism.

We did not substantiate the allegation that Mr. Reid and Employee 2 engaged in a sexual affair or that Mr. Reid’s conduct toward Employee 2 constituted sexual harassment or some other form of misconduct.

Mr. Reid improperly used his personal e-mail accounts to conduct official DoD business.

We did not substantiate the allegation that Mr. Reid fostered a negative work environment by failing to treat subordinates with dignity and respect.

V. RECOMMENDATIONS

We recommend that the USD(I) take appropriate action regarding Mr. Reid's conduct with Employee 1 and the perception of an inappropriate relationship and favoritism he created within his office.

We recommend that the USD(I) take appropriate action regarding Mr. Reid's use of personal e-mail accounts to conduct official DoD business.

Appendix A: Standards

I. Applicable Standards Regarding Allegations of Inappropriate Relationships

Title 5, Code of Federal Regulations (CFR), Part 2635, Section 2635.101, “Basic Obligation of Public Service”

This provision states, in part, that employees shall act impartially and not give preferential treatment to any private organization or individual; and employees shall endeavor to avoid any actions creating the appearance that they are violating the law or ethical standards set forth in this part. Whether particular circumstances created an appearance that the law or these standards were violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

DoD 5500.07-R, “Joint Ethics Regulation (JER),” August 30, 1993, including changes 1-7 (November 17, 2011)

The JER provides a single source of standards of ethical conduct and ethics guidance for DoD employees. Chapter 2 of the JER, “Standards of Ethical Conduct,” incorporates Title 5, CFR, Part 2635, “Standards of Conduct for Employees of the Executive Branch,” in its entirety.

Subpart A, “General Provisions,” Section 2635.101, “Basic Obligation of Public Service,” states in paragraph (b)(8) that employees shall act impartially and not give preferential treatment to any private organization or individual, but shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

Chapter 12, paragraph 12-401 (b), “Integrity,” states that being faithful to one's convictions is part of integrity. Following principles, acting with honor, maintaining independent judgment, and performing duties with impartiality help to maintain integrity and avoid conflicts of interest and hypocrisy.

Chapter 12, paragraph 12-401 (d), “Accountability,” states that DoD employees are required to accept responsibility for their decisions and the resulting consequences. This includes avoiding even the appearance of impropriety because appearances affect public confidence. Accountability promotes careful, well thought-out decision-making and limits thoughtless action.

II. Applicable Standards Regarding Allegations of Sexual Harassment

DoD Directive (DoDD) 1440.1, “The DoD Civilian Equal Employment Opportunity (EEO) Program,” May 21, 1987

Section 4.5. Prohibit discrimination based on race, color, religion, sex, national origin, mental or physical disability or age.

E2.1.10. Sexual Harassment. A form of sex discrimination that involves unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

E2.1.10.1. Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career; or

E2.1.10.2. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or

E2.1.10.3. Such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive environment.

Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a military member or civilian employee is engaging in sexual harassment. Similarly, any military member or civilian employee who makes deliberate or repeated unwelcomed verbal comments, gestures, or physical contact of a sexual nature is also engaging in sexual harassment.

III. Applicable Standards for Use of Personal E-mail Accounts

Current DoD Policy on Conducting Official DoD Communications on Personal E-mail Accounts

DoD Instruction (DoDI) 8550.01, "DoD Internet Services and Internet-Based Capabilities," dated September 11, 2012, states that "barring absence of official communication channels, personal [e-mail] accounts shall not be used to conduct official DoD communications."

We did not find a precise definition of "official DoD communications." However, DoD Instruction (DoDI) 5230.09, "Clearance of DoD Information for Public Release," defines official DoD information as, "All information that is in the custody and control of the DoD, relates to information in the custody and control of the DoD, or was acquired by DoD personnel as part of their official duties or because of their official status within DoD."

On April 6, 2016, the DoD Chief Information Officer (CIO) issued a memorandum to the senior leadership of the DoD titled, "Use of Non-Official Electronic Messaging Accounts and Records Management." This memorandum reiterated the DoDI 8550.01 guidance stating that "non-official electronic messaging accounts shall not be used to conduct official DoD communications barring the absence of official communication channels or when other appropriate circumstances exist." The memorandum provided examples of "other appropriate circumstances," such as lack of availability to official messaging accounts, technological difficulties, and impractical or unreliable connectivity. According to the DoD CIO memorandum, DoD personnel who use non-official electronic messaging accounts to conduct official DoD communications are required to copy the message to their official electronic messaging account at the time of creation, or within 20 days after transmission of the original message.

On January 16, 2018, the Deputy Secretary of Defense issued another memorandum to all DoD personnel re-emphasizing that “non-official electronic messaging accounts, including personal email accounts, must not be used to conduct official DoD communications, with very few exceptions.” This memorandum referred to the DoD CIO’s April 6, 2016, memorandum for examples of exceptions to this policy. The memorandum also stated, “Personal or other non-official email accounts may be used for official business only in those rare and extraordinary situations where an official email capability is not available.” The memorandum provided an example of “extraordinary,” stating that it “could be when a DoD official is out of the office without access to official communication channels and must send an urgent DoD mission-related email.”

DoD Manual (DoDM) 5200.01, Volume 4, “DoD Information Security Program: Controlled Unclassified Information,” dated May 9, 2018, describes CUI as certain information requiring “application of access and distribution controls and protective measures.” The manual also states that no person may have access to FOUO information unless that person has a valid need to know in connection with an authorized Government purpose.

DoDI 8170.01, “Online Information Management and Electronic Messaging,” dated January 2, 2019, superseded DoDI 8550.01 and included guidance from the two policy memorandums. The Instruction stated that “DoD personnel must not use personal e-mail or other nonofficial accounts to exchange official information and must not auto-forward official messages to nonofficial accounts or corporate accounts.” The Instruction also stated that “Personal, nonofficial accounts may not be used to conduct official DoD communications for personal convenience or preferences.” Specifically, the Instruction states: DoD personnel may not use personal, nonofficial accounts, to conduct official DoD communications. Exceptions must meet the combined three conditions:

- (1) Emergencies and other critical mission needs.
- (2) When official communication capabilities are unavailable, impractical, or unreliable.
- (3) It is in the interests of DoD or other USG missions.

IV. Applicable Standards Regarding Dignity and Respect

DoD 5500.07-R, “Joint Ethics Regulation,” August 30, 1993, including changes 1-7 (November 17, 2011)

The JER provides a single source of standards of ethical conduct and ethics guidance for DoD employees.

Chapter 12, “Ethical Conduct,” Section 4, “Ethical Values,” states DoD employees should consider ethical values when making decisions as part of official duties. In that regard, the JER states the following.

12-401. Primary Ethical Values. This paragraph cites several primary ethical values that should govern ethical decision-making. Among these are:

d. Accountability. DoD employees are required to accept responsibility for their decisions and the resulting consequences. This includes avoiding even the appearance of impropriety because appearances affect public confidence.

e. Fairness. Open-mindedness and impartiality are important aspects of fairness. DoD employees must be committed to justice in the performance of their official duties. Decisions must not be arbitrary, capricious or biased. Individuals must be treated equally and with tolerance.

g. Respect. To treat people with dignity, to honor privacy and to allow self-determination are critical in a government of diverse people. Lack of respect leads to a breakdown of loyalty and honesty within a government and brings chaos to the international community.

Appendix B: Other Matters

Mr. Reid's Treatment of a Contractor

An anonymous complaint stated that Mr. Reid sexually harassed a contractor during the 2015/2016 timeframe when he "leaned" in his chair to get a look at the contractor's "behind." None of the witnesses, including the contractor, confirmed this allegation. Mr. Reid denied the allegation. He told us "I've never done anything like that." We did not find evidence to support the allegation. Accordingly, we did not address this allegation in Section III.

An anonymous complaint also stated that Mr. Reid sexually harassed the contractor when he asked her to sit next to him during briefings. The contractor told us that she did not remember Mr. Reid asking her to sit next to him. She told us that there were times that she sat next to Mr. Reid during briefings to show him slides or a document. Mr. Reid told us that he never made anyone sit next to him although he may have told a briefer "sit here." We did not find evidence to support the allegation or determine that the alleged conduct violated a standard. Accordingly, we did not address this allegation in Section III.

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