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## INVESTIGATIONS

# 'FBI failed survivors': Massive systematic failures uncovered in DOJ's Larry Nassar report

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### Story Highlights

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The report comes as the US women's gymnastics team travels to Japan for the delayed summer Olympics.

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FBI: "The actions and inactions of certain FBI employees described in the Report are inexcusable..."

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Officials with the Indianapolis FBI office made false statements, failed to respond for months leading to more than 100 other gymnasts being sexually abused and exhibited "extremely poor judgment" in the handling of 2015 allegations against longtime USA Gymnastics team doctor Larry Nassar, according to a stinging rebuke Wednesday from the Inspector General of the U.S. Department of Justice.

The report found that W. Jay Abbott, then the Agent in Charge of the Indianapolis FBI office, and another unnamed agent made false statements and omitted important information in a 2017 report, then lied to inspector general investigators looking into the report. Abbott also provided "materially false statements" during interviews "to minimize errors made by the Indianapolis Field Office."

The report added Abbott violated ethics guidelines while negotiating for a job with the U.S. Olympic and Paralympic Committee during the investigation.

"Mr. Abbott has received and reviewed a copy of the report," Josh Minkler, legal counsel for Abbott, who retired in 2018, said in a statement. "Mr. Abbott thanks the law enforcement officers and prosecutors who brought Larry Nassar to justice. Mr. Abbott hopes the courageous victims of Nassar's horrible crime find peace."

Nassar continued working with athletes for more than a year while the investigation languished. The report said that "according to civil court documents, 70 or more young athletes were allegedly sexually abused under the guise of medical treatment" during that time. However, an attorney for survivors said Nassar molested at least 120 more women and children.

Nassar's reign of sexual abuse wasn't stopped until the allegations were publicly exposed in September 2016 by an IndyStar investigation. He is now serving a more than 100-year sentence.

"It's obvious that the FBI failed survivors in all of this," said Nassar survivor Grace French, the founder and president of The Army of Survivors. "They put financial gain and the possibility of an opportunity for future employment in front of athletes, of children, of survivors — and that's incredibly disappointing to me,"

French said she grew up thinking that people in positions of authority, such as the FBI, were there to help protect her and others. "That was always my understanding," she said. "But I've come to realize, over and over again as I'm dealing with this drama myself, that that's not the case."

She called the FBI's actions "just another blow" for survivors.

While the report heavily criticized the FBI's Indianapolis field office, it cited troubling missteps and failures by a total of four agency divisions, including Indianapolis as well as those in Detroit, Los Angeles and Portland, Maine. The initial report about Nassar was originally made in 2015 with the Indianapolis office.

This is the most stinging rebuke of the FBI's work since 2019. The Indianapolis office did not comment. Instead, it referred questions to the national office, which said it is implementing changes.

The report's release comes as the U.S. women's gymnastics team travels to Japan for the delayed summer Olympic Games, which begin next week in Tokyo. On that team is Simone Biles, the most decorated gymnast in history, who has identified herself as a victim of Nassar and has expressed frustration over the handling of the case.

John Manly, an attorney for more than 250 Nassar survivors, and two U.S. senators are now calling for a criminal investigation and charges in light of the new revelations.

Advocacy group Child USA said the report isn't about "one bad apple or one sexual abuser."

"It's about the entire system, one that is failing to protect child athletes," Child USA CEO Marci Hamilton said. "The FBI's report is consistent with everything we know: that this was a massive systemic failure."

## **Indianapolis FBI dragged its feet**

Senior officials in the FBI Indianapolis Field Office "failed to respond to allegations of sexual abuse of athletes by former USA Gymnastics physician Lawrence Gerard Nassar with the urgency that the allegations required," the inspectors general's office said in a statement after the report was released Wednesday.

The Indianapolis officials didn't respond for 8 months, according to the report. The FBI said the unnamed special agent has been reassigned pending the completion of an internal FBI investigation.

"We also found that the FBI Indianapolis Field Office made fundamental errors when it did respond to the allegations, failed to notify the appropriate FBI field office (the Lansing Resident Agency) or state or local authorities of the allegations, and failed to take other steps to mitigate the ongoing threat posed by Nassar."

**FBI Larry Nassar report:** Read the full report on the FBI's handling of Larry Nassar gymnastics abuse

During the course of this investigation, the OIG interviewed more than 60 witnesses, several on more than one occasion. It collected over 1.5 million documents, including FBI interview reports, agent notes, as well as text messages and emails. The office also obtained records from private parties such as USA Gymnastics and the U.S. Olympic Committee.

Among those documents was a thumb drive containing videos and presentations of Nassar's purported medical techniques that the Indianapolis Field Office received from USA Gymnastics officials.

## **Indianapolis FBI agents lied**

The inspector general found that as the FBI's handling of the Nassar case came under scrutiny in 2017 and 2018 from the public, Congress, media and the FBI headquarters, the Indianapolis officials did not take responsibility for their failures.

"Instead, they provided incomplete and inaccurate information to make it appear that they had been diligent in responding to sexual abuse allegations," the OIG said in its statement released Wednesday.

That includes efforts by Abbott to cover up his failings by attempting to add a document to Lansing's case file on Nassar, according to the report.

Senators Richard Blumenthal (D-CT) and Jerry Moran (R-KS), who were briefed by DOJ Inspector General Michael Horowitz on the report Wednesday, are now pushing for Congressional hearings on the details shared in the report. They questioned why criminal charges were not pursued against FBI agents, including those in Indianapolis, who made false statements during the Inspector General investigation.

"The Department of Justice now needs to decide whether it's going to be yet another institution that fails survivors, or if it's going to enforce some measure of accountability," Blumenthal said during a press conference. "On its own, Congress has to make sure that there is accountability, and that's why I believe that next steps have to include a Congressional hearing."

He called the report "absolutely chilling."

"(It's) truly a gut punch to anyone who cares about effective law enforcement," Blumenthal said. "There has to be some measure of accountability enforced for the failure to properly pursue the investigation by the FBI and indeed the possible cover up that may have occurred."

Moran echoed those thoughts during Wednesday's joint press conference, saying the FBI's handling of the accusations was "woefully inadequate."

"It is mind boggling. It's inexplicable to me," Moran said. "I don't understand how an FBI agent, an enforcer of the law, a person who takes an oath to support the law, conducted themselves in a way that was so damaging, certainly to justice, but also to the individuals."

## **Massive system failure**

The Indianapolis FBI Office, which took the brunt of the criticism, would not comment and instead referred requests to the national office. In a written response issued after the report was released, the FBI said:

“As the Inspector General made clear in today’s report, this should not have happened. The FBI will never lose sight of the harm that Nassar’s abuse caused. The actions and inactions of certain FBI employees described in the Report are inexcusable and a discredit to this organization. The FBI has taken affirmative steps to ensure and has confirmed that those responsible for the misconduct and breach of trust no longer work FBI matters.

“Prior to today, the FBI initiated improvements to make sure that serious allegations, such as these, are promptly shared with our law enforcement partners and within the FBI. As a continuation of these efforts, the FBI is fully committed to implementing all of the recommendations made by the Inspector General.

“We will take all necessary steps to ensure that the failures of the employees outlined in the Report do not happen again.”

More specifically the bureau said that FBI Director Chris Wray had launched a review that will clarify requirements to document and retain complaints regarding sexual abuse and sexual assault.

FBI policy also will be amended to mandate 30-day status checks on complaints involving sexual abuse and assault complaints to determine if further investigation is warranted. Wray also has ordered additional training in dealing with such victims, especially child victims.

More specific findings cited by the inspector general included:

Officials in the Indianapolis Field Office failed to formally document a July 28, 2015, meeting with USA Gymnastics during which the FBI first received the allegations against Nassar; failed to properly handle and document receipt and review of relevant evidence; failed to document until February 2017 an interview of a gymnast that was conducted on September 2, 2015, during which the gymnast alleged sexual assault by Nassar; and failed to transfer the Nassar allegations to the FBI Lansing Resident Agency, where venue most likely would have existed for potential federal crimes.

Abbott and an unidentified Indianapolis Field Office Supervisory Special Agent made false statements in an interview summary drafted in February 2017, 17 months after the interview took place, and omitted material information. The special agent made materially false statements when twice questioned by the OIG about the victim interview. Abbott also made materially false statements during his OIG interviews to minimize errors made by the Indianapolis Field Office.

The report is the inspector general's most stinging rebuke of the FBI's work since 2019, when investigators found systemic problems with how the bureau investigates American citizens suspected of working on behalf of foreign powers.

The inspector general's office found during that investigation that agents made "so many basic and fundamental errors" in applications to wiretap a former Trump campaign adviser as part of an investigation into possible ties between Russia and the former president's campaign.

## **What this means for Larry Nassar victims**

Despite the report's critical take on the FBI's actions and inaction, attorney Manly, who represents 250 Nassar survivors, called the report a "whitewash" and a "disgrace." He said it was "despicable" because no one in the FBI was criminally charged, and said he will ask the White House and the Justice Department to appoint an independent prosecutor to investigate criminal charges.

"I am beside myself, and the families of the victims will be too," said Manly. "This reeks of collusion and corruption. This gives the green light for every FBI agent to do what these four agents in Indianapolis did ... You have multiple FBI agents lying to everyone and at the same time Abbott is talking about taking a job," with the U.S. Olympic Committee, Manly said. "He belongs in prison."

Manly said while the FBI sat on the investigation, 120 women were molested between July 2015 and when Nassar was exposed. He added that he is exploring whether it is possible to sue the FBI and the agents personally.

The report also found "Abbott violated FBI policy and exercised extremely poor judgment under federal ethics rules when he, without prior authorization, communicated with Penny about a potential job opportunity with the U.S. Olympic Committee, an entity with which Penny had professional connections." It said those discussions occurred "while the two continued to discuss the allegations against Nassar and while Abbott took an active role in conversations about the FBI's public statements regarding USA Gymnastics' handling of those allegations."

Steve Penny is the former president of Indianapolis-based USA Gymnastics. He first reported the allegations against Nassar to Abbott in July 2015.

During the FBI's initial steps in the investigation, Penny and Abbott discussed the possibility of Abbott becoming the U.S. Olympic Committee's chief of security after his retirement from the FBI, according to emails. In 2018, Penny's attorney Edith Matthai confirmed the conversation took place, but told IndyStar "any suggestion that Steve had the conversation with Abbott in order to impact the FBI investigation is false and defamatory."

The inspector general statement said that "Abbott should have known — and we found that he in fact did know — that this conduct would raise questions regarding his impartiality. Further, Abbott applied for the position with the U.S. Olympic Committee, and then falsely denied that he had done so when questioned by the OIG on two separate occasions."

## **History of the investigation**

The inspector general's investigation began in 2018, following an internal FBI review of the delay before agents opened a formal investigation into the complaints raised in June 2015 by elite-level gymnasts, including Aly Raisman and Maggie Nichols.

Nassar was ultimately charged and convicted of child sexual abuse in Michigan state court. He also pleaded guilty to federal child pornography charges that spun out of the investigation by police at Michigan State University.

The FBI's delay in investigating the 2015 allegations has long been a point of contention for survivors. In June 2020, a group sent a letter to the justice department asking why it had not released its report on the FBI's handling of the case.

"It is clear that the FBI failed to protect our nation's finest athletes and many other vulnerable children and young women from a vicious sexual predator," said the letter to Michael Horowitz, the Inspector General, that was signed by more than 120 Nassar survivors. "But we still do not know who exactly in the FBI participated in the cover up and whether misconduct reached into the higher ranks of the Justice Department."

Among those signing the letter were Olympic gold medalists Biles, Raisman, Jordyn Wieber and Madison Kocian, plus NCAA champion Nichols. Nichols was the first gymnast to report Nassar to USA Gymnastics and was the central character in the 2020 Netflix documentary *Athlete A*.

The U.S. Olympic and Paralympic Committee said it appreciates the OIG "for conducting a thorough and comprehensive investigation" into the matter.

"It is essential that athletes, parents, coaches, and others know that law enforcement will promptly and thoroughly investigate issues of abuse," the Committee said in a Wednesday statement. The group added that it has taken extensive steps to combat sexual abuse, implementing "significant reforms" in response to an exhaustive investigation by an independent law firm.

Nassar is serving a 60-year sentence in federal prison after pleading guilty to child pornography charges in 2017. He also faces 40 to 125 years on the state sex charges in Michigan. More than 500 women and girls have now alleged they were sexually assaulted by Nassar, a doctor of osteopathic medicine who also taught and worked at a sports medicine clinic at Michigan State University while serving as the USA Gymnastics team doctor.

Penny was forced to resign in 2017 after it was revealed he waited about five weeks to inform the FBI of the initial allegations USA Gymnastics had received about Nassar on June 17, 2015.

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