

U.S. Department of Justice Office of the Inspector General
Summaries of Investigations Provided Pursuant to
Request by Senators Grassley and Coburn

April 1, 2014 – September 30, 2014

The case summaries below include the current status of Department of Justice (Department) component disciplinary action and any appeals thereof. At the request of the components, we note that a component's disciplinary action with respect to an individual employee may be informed by the Office of the Inspector General's (OIG) investigation and findings, the component's findings and conclusions, and additional information that may have been provided to component disciplinary officials in accordance with that component's approved policies and procedures.

1. The OIG conducted an investigation of allegations that an official of the United States Parole Commission (USPC) misused his authority by directing subordinates to transport him during work hours to personal appointments in government vehicles; to leave the office to run personal errands; and to transport him to and from his residence and the office using their personal vehicles. The OIG investigation determined that the USPC official had previously been counseled on the allowed use of government vehicles, but that he continued to use of government vehicles for personal appointments. The OIG also found that the USPC official demonstrated a lack of credibility and candor in his responses during an OIG interview. On May 21, 2014, the OIG provided its Report of Investigation (ROI) to the Office of the Deputy Attorney General (ODAG) for appropriate action.

On December 23, 2014, the ODAG informed us that the official had advised the President and Department Leadership that he will resign effective January 2015.

2. The OIG conducted an investigation of allegations that an Immigration Judge with the Executive Office for Immigration Review (EOIR) inaccurately recorded her work hours on time and attendance submissions between 2009 and 2013. The OIG determined that the Immigration Judge inaccurately reported a total of about 36 hours worked on approximately 24 occasions, resulting in the apparent loss to the government of approximately \$2,880. The Immigration Judge acknowledged to the OIG that she sometimes arrived later or left earlier than the times recorded on her time and attendance submissions. Prosecution was declined. On June 4, 2014, the OIG provided its ROI to EOIR for appropriate action.

On December 10, 2014, EOIR informed us that the matter remained pending.

3. The OIG conducted an investigation of anonymous allegations that a Special Agent in Charge (SAC) in the Federal Bureau of Investigation (FBI) accepted free rent and lived at the residence of a subordinate FBI Special Agent (SA). The OIG investigation found that the SAC accepted free rent and lived at the SA's residence in violation of the Standards of Ethical Conduct for Employees of the Executive Branch, which prohibit an employee from accepting a gift from a subordinate who receives less pay, and in violation of the FBI Code of Conduct policy. The OIG further found that, contrary to the SAC's assertions to the OIG, the SAC had not consulted with FBI field division counsel personnel about the living arrangement. On June 12, 2014, the OIG provided its ROI to the FBI for appropriate action.

The FBI informed us that the SAC retired from the FBI on June 28, 2014, and that the FBI closed the case due to the SAC's retirement.

4. The OIG conducted an investigation of allegations that an FBI Assistant Special Agent in Charge (ASAC) made unwanted sexual advances to an FBI SA and then removed the SA from his assignment in the Field Division for refusing those advances. The ASAC was further alleged to have selected a replacement for the SA based on a personal relationship with the replacement. The OIG did not find sufficient evidence to substantiate that the SA received unwanted sexual advances from the ASAC or that he was removed from his position because he refused the alleged offer. However, during an interview with the FBI and the OIG, the individual selected to replace the SA acknowledged a personal relationship with the ASAC. The OIG's investigation found that the ASAC violated the FBI's personal relationship and ethics policies by failing to immediately notify her "organizational superior" of the relationship and obtain documented recusal from any supervisory decisions involving the individual. Although the OIG investigation found no evidence that the ASAC made supervisory decisions based solely on a personal relationship, the OIG found that the ASAC's involvement in decisions benefitting the individual created an appearance of favoritism. On June 3, 2014, the OIG provided its ROI to the FBI for appropriate action.

On December 17, 2014, the FBI informed us that the FBI's Office of Professional Responsibility (FBI OPR) had issued a disciplinary decision, but the appeal of the decision remained pending.

5. The OIG conducted an investigation of allegations that an FBI Acting SAC failed to take appropriate action when, during the execution of a search warrant and with the knowledge of the on-scene Supervisory Special Agent in charge of the operation, a member of a search team improperly took an item from a scene as a memento. The OIG investigation found that the Acting SAC failed to perform his duties when he did not take appropriate safety measures with regard to the item and did not report the matter to his supervisor or the FBI Inspection Division, as required by FBI policy. Prosecution was declined. On August 13, 2014, the OIG provided its ROI to the FBI for appropriate action.

On December 17, 2014, the FBI informed us that FBI OPR had issued a disciplinary decision, but the appeal of the decision remained pending.

6. The OIG investigated allegations that an FBI Program Analyst, while detailed to another federal agency, engaged in inappropriate contact with members of the news media and film industry, misused his access to the other agency's network by conducting inappropriate web searches, and arranged for sexual encounters while using his work computer. In an interview with the OIG, the Program Analyst admitted to conducting inappropriate keyword searches on his work computer. The Program Analyst also admitted to arranging sexual encounters by using his personal e-mail account accessed through the other agency's network on his work computer. Additionally, the Program Analyst admitted sending e-mails to several news media and film industry personnel without reporting the media contacts to the FBI. The OIG concluded that both the e-mails to arrange sexual encounters and the e-mails contacting the media were inappropriate and violated FBI policies concerning ethics and media contacts, respectively, as well as the Program Analyst's employment agreement. The OIG also concluded that the keyword searches violate FBI guidelines that prohibit the misuse of government computers. Prosecution was declined. On June 27, 2014, the OIG provided its ROI to the FBI for appropriate action.

The FBI informed us that the Program Analyst was dismissed from the FBI and the matter is closed.

7. The OIG investigated allegations that an FBI ASAC sexually harassed an FBI employee. The OIG interviewed the ASAC and he admitted to engaging in several acts of sexual harassment, including sending the employee an electronic communication containing sexual innuendo and making a sexually-oriented comment at a luncheon. Based on these admissions and other corroborating evidence, the OIG concluded that

the ASAC's conduct violated the FBI's sexual harassment and employee conduct policies. On June 16, 2014, the OIG provided its ROI to the FBI for appropriate action.

On December 17, 2014, the FBI informed us that FBI OPR had issued a disciplinary decision, but the appeal of the decision remained pending.

8. The OIG investigated allegations that an ATF ASAC sexually harassed and made verbally abusive statements to an ATF employee. Two witnesses provided affidavits to the OIG describing the ASAC's sexually inappropriate and verbally abusive comments to the victim, as well as an incident when the ASAC approached the victim in a physically aggressive manner. The ASAC declined to participate in a voluntary interview with the OIG and retired from the ATF while the investigation was still ongoing. On May 14, 2014, the OIG provided its ROI to the ATF.

On December 19, 2014, the ATF informed us that the ASAC had retired from the ATF, and the ATF closed the matter due to the ASAC's retirement.

9. The OIG investigated allegations that an ATF SAC disclosed to a local police detective, who was also serving as an ATF Task Force Officer at the time, that the detective was the target of a covert FBI investigation, and that an ATF ASAC improperly disclosed the existence of the FBI's investigation to an official of the detective's police department. During interviews with the OIG, the SAC admitted disclosing the FBI's investigation to the detective, and the ASAC admitted contacting a police department official, at the SAC's direction, to express ATF support for the detective and to request that the police department attempt to persuade the FBI to end its investigation. The OIG further found that the ASAC subsequently made intentionally misleading and untruthful statements to the FBI about whether the SAC had informed the detective of the investigation. The OIG concluded that the disclosures and actions of the SAC and ASAC constituted conduct prejudicial to the government in violation of ATF policy, and that the SAC and ASAC failed to exercise sound judgment and leadership. Prosecution was declined. On July 29, 2014, the OIG provided its ROI to the ATF for appropriate action.

On December 19, 2014, the ATF informed us that the ASAC retired from the ATF before a disciplinary decision was presented, that the SAC received a letter of reprimand, and that the matter is closed.

10. The OIG investigated allegations concerning an FBI SSA's outside employment, including that the SSA lacked proper authorization for the outside position. The OIG investigation revealed that the SSA requested and received initial FBI approval for the outside position in 2001. However, no additional requests for approval were made, as required by FBI policy, until 2011. The OIG investigation determined further that the SSA had assumed a greater role in the outside employment than that for which he had obtained approval in 2001, and this expanded involvement was not included in the SSA's 2011 renewal request. Accordingly, the OIG found that the SSA lacked candor in his submission of the 2011 renewal request. The OIG concluded that the SSA's investment and participation in the outside employment created an appearance of conflict with his position as an FBI SSA; and that the SSA violated FBI policies on standards of conduct and outside employment, as well as a DOJ regulation on prohibited outside employment and receiving benefits from a prohibited source. In addition, the OIG concluded that the SSA's submission to the outside employer for reimbursement of personal expenses as purported business expenses of the employer violated both the Code of Federal Regulations and Internal Revenue Service regulations. On September 16, 2014, the OIG provided its ROI to the FBI for appropriate action.

On December 17, 2104, the FBI informed us that the matter remained pending.

11. The OIG investigated allegations that an FBI Legal Attaché (Legat) and his spouse received money from a company under investigation by the FBI. During a voluntary interview with the OIG, the Legat's spouse stated that she had been employed by the company from 2006 to 2010, and admitted to filing false tax returns for herself and the Legat for those years by under-reporting her income in 2006 and failing to report her income in 2007-2010. Although the Legat acknowledged being responsible for the accuracy of the information reported on the joint tax returns, he told the OIG that he relied on his spouse and their tax preparer, and did not review the returns before agreeing to their being filed. The OIG did not find sufficient evidence that the Legat was aware that the returns under-reported or failed to report his spouse's income. However, the OIG reviewed the Legat's financial disclosure forms for the years 2006 through 2010 and found that the Legat reported an inaccurate amount of income for his spouse from 2006 to 2010, in violation with the FBI's financial disclosure and ethical conduct policies. Prosecution of the Legat was declined. The Legat's spouse entered a guilty plea to filing a false tax return. On June 17, 2014, the OIG provided its ROI to the FBI for appropriate action.

On December 17, 2014, the FBI informed us that the matter remained pending.

12. The OIG investigated allegations that a DEA Acting Associate SAC was inappropriately selected for a post-retirement contractor position at a DEA field office while still employed by the DEA. The OIG investigation determined that field office management, which participated in the selection process by reviewing qualified applicant resumes, should have been recused from the selection process because the Acting Associate SAC was their supervisor at the time of the selection. The OIG also determined that one ASAC, who lacked candor during his interviews with the OIG, updated the Acting Associate SAC through e-mail about the vacancy and provided application instructions. The OIG found that the ASAC violated the DEA Standards of Conduct. Additionally, the OIG found that the Acting Associate SAC completed a financial disclosure form without reporting the post-retirement agreement with the contractor, as required. Prosecution was declined. On September 23, 2014, the OIG provided its ROI to the DEA for appropriate action.

On December 17, 2014, the DEA informed us that the matter remained pending.

13. The OIG conducted an investigation of allegations that a DEA Regional Director (RD) made inappropriate advances towards a subordinate, gave the subordinate several personal gifts, and after she declined his advances, retaliated against her by not selecting her for promotion opportunities. The OIG found that the RD had an inappropriately personal relationship with the subordinate that created an adverse working environment, in violation of standards of conduct and sexual harassment policies. The OIG was unable to substantiate that the RD negatively influenced any of the subordinate's applications for promotion. The RD retired from DEA during the OIG's investigation. On September 29, 2014, the OIG provided its ROI to the DEA for appropriate action.

On December 17, 2014, the DEA informed us that the DEA closed the matter due to the retirement of the RD.