

**U.S. Department of Justice
Office of the Inspector General
Summaries of Investigations Requested by Senators Grassley and Coburn**

October 1, 2012 – March 31, 2013

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 OIG's 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 a Federal Bureau of Investigation (FBI) Supervisory Intelligence Analyst (SIA) falsified a home mortgage application when he failed to list his marital status and his wife's extensive business debts. The investigation found that the SIA was legally divorced, but that he retained co-ownership of a joint business venture with his ex-wife, that they had jointly purchased or guaranteed several commercial and residential rental properties, and that they had defaulted on a \$4.1 million commercial loan guarantee. The SIA failed to disclose some of these assets and the default on his FBI security and financial disclosure forms, and he failed to report in a timely manner that he was named as a defendant in a lawsuit related to the default. Prosecution was declined. On November 6, 2012, the OIG provided its Report of Investigation (ROI) to the FBI for appropriate action.

On May 17, 2013, the FBI informed us that the FBI's Office of Professional Responsibility (FBI OPR) had issued its disciplinary decision, but that an appeal of that decision was still pending.

2. Based on information referred by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Internal Affairs Division on March 15, 2012, the OIG conducted an investigation into allegations in a newspaper report that the ATF had paid a confidential informant (CI) despite knowing the CI was a felon with a history of violence against women, and that after becoming a CI he assaulted a woman in a motel room paid for by ATF. The OIG's investigation determined that, after being approved as a CI, the CI entered the motel room of two ATF suspects without authorization, and on a separate occasion had a physical altercation with an ATF suspect. The investigation concluded that, based on the information each had at the time, the Supervisory Special Agent (SSA) who vetted the CI should not have sought approval to employ the CI, and

the Special Agent in Charge (SAC) who received the application should not have approved the CI. The investigation further concluded that when the SSA became aware of alleged misconduct by the CI, he failed to terminate the CI or inform his supervisors of the allegations, which would have resulted in the CI being terminated prior to the assault. On February 19, 2013, the OIG provided its ROI to the ATF for appropriate action.

ATF has informed us that its Professional Review Board (PRB) found that no disciplinary action was necessary, and that there were no performance deficiencies with respect to either the GS-13 Special Agent who controlled the CI or the SAC who approved the CI. ATF has also informed us that the PRB determined that the SSA had provided misleading information to the SAC concerning the steps taken in vetting the CI, and that the SSA resigned his position with ATF prior to any disciplinary action. ATF also told us that it implemented a revised directive in July 2012 relating to the use of confidential informants in ATF investigations.

3. The OIG conducted an investigation into allegations that numerous Federal Bureau of Prisons (BOP) employees had stolen or misused BOP property. The investigation substantiated the allegations with regard to numerous BOP employees, including a senior manager who admitted to using the services of BOP personnel to perform minor repairs on her personal vehicle. Prosecution was declined. On December 11, 2012, the OIG provided its ROI to BOP for appropriate action.

BOP has informed us that its Office of Internal Affairs determined that the repair services the senior manager received were de minimus in nature, and that the actions taken by the senior manager did not warrant administrative discipline.

4. The OIG conducted an investigation into allegations that an Assistant United States Attorney (AUSA) had misused her position following the receipt of a traffic citation. When interviewed by the OIG, the AUSA admitted that she had identified herself as an AUSA and had made improper remarks to the responding police officers, although she claimed that she was under personal and professional stress at the time and that her intent had not been to seek preferential treatment. The OIG's investigation concluded that the AUSA had acted unprofessionally and improperly insinuated that she should receive lenience from the officers based on her position and performance as an AUSA. On November 6, 2012, the OIG provided its ROI to the Executive Office for U.S. Attorneys (EOUSA) for appropriate action.

EOUSA has informed us that the AUSA received a verbal admonishment and counseling.

5. The OIG conducted an investigation into allegations that a high ranking official of a Department grantmaking component had violated the conflict of financial interest statutes. The OIG investigation found that the official had reported stock ownership in a corporation whose contract with the Department he supervised, and that the contractor had received additional funding from the Department during this period of supervision by the official. During an interview with the OIG, the official stated that the stock belonged to his spouse and acknowledged that he had supervised the staff responsible for the contract, but he maintained that he had not taken any action in furtherance of the contract. He also stated that he had self-reported the possible conflict of interest as soon as he identified it and was immediately recused from all matters relating to the contract. The investigation concluded that the official had violated conflict of interest law and regulations. Prosecution was declined. On October 15, 2012, the OIG provided its ROI to the Department for appropriate action.

The Department has informed us that the official received a 2-day suspension, was removed from his Deputy Director position and from the agency's executive staff, and was reassigned to a non-supervisory position. The official subsequently left the Department.

6. The OIG conducted an investigation into information received from BOP that a Warden was engaged in an inappropriate relationship with a subordinate and that the Warden may have used his influence to prevent the subordinate from obtaining a position at another institution. The BOP further reported that the Warden had submitted a memorandum to his supervisor denying that he committed misconduct relating to the subordinate. However, when interviewed by the OIG, the Warden admitted that he had engaged in an inappropriate and intimate relationship with a subordinate. The OIG investigation concluded that the Warden had violated BOP policies prohibiting intimate relationships with subordinates and had made false statements in the memorandum to his BOP supervisor. The investigation did not substantiate the allegation that the Warden had used his influence to prevent the subordinate from obtaining another position. On January 30, 2013, the OIG provided its ROI to BOP for appropriate action.

On May 14, 2013, BOP informed us that the matter was still pending.

7. The OIG initiated an investigation after the Drug Enforcement Administration identified a Department employee as having purchased prescription pharmaceuticals from an on-line pharmacy without a prescription. During his OIG interview, the employee admitted that he had obtained prescription pharmaceuticals from an on-line pharmacy without a prescription, but he provided documentation of his chronic medical condition and stated that he had completed an on-line medical questionnaire that he believed to have been reviewed and approved by a medical doctor at the time of purchase. He further stated that he had not filed for or received reimbursement from his medical insurance provider for any pharmaceuticals he purchased on-line. The OIG investigation developed no evidence that the employee was engaged in distribution of the prescription drugs and determined that there had been no loss to the insurance provider. Prosecution was declined. On February 21, 2013, the OIG provided its ROI to the Department for appropriate action.

The Department has informed us that it has decided not to take administrative action.

8. The OIG conducted an investigation into allegations that an FBI Assistant Special Agent in Charge (ASAC) engaged in a relationship with a subordinate FBI employee. The investigation determined that the ASAC and subordinate employee had been involved in a personal relationship for a lengthy period that began before and continued after the subject's promotion to the ASAC position. The investigation also found that the ASAC was insubordinate by willfully ignoring a former SAC's instruction to terminate the relationship; that the ASAC and the subordinate misused an FBI vehicle and FBI-issued Blackberry devices in furtherance of the relationship; and that the ASAC had given the subordinate gifts and money in violation of FBI policy. The ASAC also failed to disclose the relationship during his FBI security re-investigation. Prior to the conclusion of the OIG's investigation, the ASAC requested to be, and was, removed from his position as ASAC and reassigned to a GS-13 Special Agent position within the same field office. On November 15, 2012, the OIG provided its ROI to the FBI for appropriate action.

On May 17, 2013, the FBI informed us that FBI OPR issued a 60-day suspension which the ASAC was in the process of serving.