

The Department of Justice Office of the Inspector General (OIG) announced today the release of a report examining the Department of Justice (DOJ) law enforcement components' handling of employee sexual harassment and sexual misconduct allegations. Although the OIG found that there were relatively few such allegations during the period from 2009 through 2012, today's report identified significant systemic issues with the components' processes that the OIG believes require prompt corrective action.

The OIG conducted this review in response to congressional inquiries after allegations arose regarding the conduct of U.S. government personnel, including Drug Enforcement Administration (DEA) agents, during the President's 2012 trip to Cartagena, Colombia. The review focused on the nature, frequency, reporting, investigation, and adjudication of allegations of sexual harassment or sexual misconduct (including the transmission of sexually explicit texts and images) in four DOJ law enforcement components: the DEA; the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF); the Federal Bureau of Investigation (FBI); and the United States Marshals Service (USMS).

The findings in today's report include:

- Component supervisors did not always report allegations of sexual harassment and misconduct to their respective internal affairs offices as required by component policies. In several instances, these supervisors were not disciplined for their failure to report. Additionally, at the FBI and USMS, the internal affairs offices chose not to investigate some allegations of sexual harassment and misconduct despite significant evidence that misconduct had occurred, and DEA's internal affairs office did not always fully investigate allegations of sexual misconduct related to prostitution.
- At ATF, DEA, and USMS, we found a lack of coordination between the internal affairs offices and security personnel. As a result, security departments at these components were sometimes unaware of allegations that may impact an employee's eligibility to hold a security clearance and access classified information. In contrast, we found that the FBI's internal affairs office alerts the FBI security department to any such misconduct allegations it receives.
- All of the components we reviewed either did not have adequate offense tables or did not properly use their offense tables for charging employees with sexual harassment and sexual misconduct offenses. The offense tables at ATF, DEA, and USMS did not contain adequate language to address the solicitation of prostitutes in jurisdictions where the conduct is legal or tolerated. The FBI offense table contains such a category, but we found instances where general offense categories were applied instead of the specific category.
- All four components have weaknesses in detecting the transmission of sexually explicit text messages and images by employees. Although the FBI archives and proactively monitors its employees' text messages, there are

limitations to its ability to use this information, and misconduct investigators at ATF, DEA, and USMS cannot easily obtain such text message evidence. These issues may hamper the components' ability to conduct misconduct investigations, fulfill their discovery obligations, and deter misconduct.

Finally, today's report notes that the OIG's ability to conduct this review was significantly impacted and unnecessarily delayed by repeated difficulties we had in obtaining relevant information from both the FBI and DEA. Specifically, the FBI and DEA initially refused to provide the OIG with unredacted information which the OIG was entitled to receive under the *Inspector General Act*. When they finally did provide the information without extensive redactions, we found that it still was incomplete. We were also concerned by an apparent decision by DEA to withhold information regarding a particular open misconduct case despite the fact that the OIG was authorized to receive the information. Because of these difficulties, we cannot be completely confident that the FBI and DEA provided us with all information relevant to this review. Our report reflects the findings and conclusions we reached based on the information made available to us.

The report makes eight recommendations to improve the law enforcement components' disciplinary and security processes relating to allegations of sexual misconduct and harassment. The DOJ and the four components reviewed concurred with all of the recommendations.

Today's report can be found on the OIG's website at the following link:  
<http://www.justice.gov/oig/reports/2015/e1504.pdf>.