

Video Transcript: “A Message from the Deputy Inspector General: A Review of the Drug Enforcement Administration’s Use of Administrative Subpoenas to Collect or Exploit Bulk Data,” March 2019

Hello, I’m Bill Blier, Deputy Inspector General for the U.S. Department of Justice.

Today our office released a report that examined 3 programs in which the Drug Enforcement Administration, the DEA, used its statutory administrative subpoena authority to collect or exploit bulk data, such as telephone records and purchase transaction data. In two of the programs, the bulk data collections maintained by the DEA were not connected to specific investigations or specific individuals under investigation.

For these two programs, we found that the DEA failed to conduct a comprehensive legal analysis prior to using its administrative subpoena authority. This use of the subpoena authority conflicts with court decisions stating that a federal agency’s issuance of administrative subpoenas must be for records relevant or material to a specific investigation.

We also found the absence of legal analysis concerning because the DEA permitted certain bulk data it collected to be used by other federal agencies conducting non-drug investigations on an unknown number of occasions. This use raised significant legal questions because the statute granting the authority specifies that the records requested by the subpoenas must be used in connection with a drug investigation.

In the third program, the exploitation of bulk data was connected to specific investigations. But we found that the DEA failed to complete an adequate legal assessment of its use of the program under its administrative subpoena authority, consistent with the requirements of the Electronic Communications Privacy Act.

The DEA and another entity identified portions of our report as law enforcement sensitive. Those portions have been redacted in the public version we released today. Consistent with the OIG’s ordinary practice, the full, unredacted report has been produced to the DEA, the Department of Justice, and to our congressional oversight committees.

To read the report and all of our findings, please visit our website, oig.justice.gov, or go to oversight.gov. Thank you for joining us.

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