

U.S. Department of Justice
Office of the Inspector General
Summaries of Investigations Requested by Senators Grassley and Coburn
April 1, 2012 – September 30, 2012

1. The Office of the Inspector General (OIG) conducted an investigation concerning allegations that an Assistant United States Attorney (AUSA) and a Federal Bureau of Investigation (FBI) Special Agent misused their positions to facilitate the return of evidence (a pistol) to an individual who had been arrested by a police department for having an official police license plate affixed to his personal vehicle. The individual legally possessed the firearm at the time of the seizure. The OIG's investigation determined that the AUSA and the FBI agent misused their positions and exercised poor judgment when they accompanied the individual into the police department building during official duty hours to assist the individual in retrieving his seized firearm. While neither the AUSA nor the FBI agent provided their names to the police, both the AUSA and the FBI agent admitted to the OIG that personnel at the police department were aware that they were federal officials, and the AUSA admitted that she believed their presence provided the individual more credibility. The investigation also determined that the AUSA further misused her position when she informed a police official of an alleged agreement made between the police department and the individual's attorney to have the weapon returned. On April 18, 2012, the OIG provided its Report of Investigation to the Executive Office for U.S. Attorneys (EOUSA) and the FBI for appropriate actions.

EOUSA informed us that the AUSA received a letter of counseling. On February 8, 2013, the FBI informed us that the agent was suspended without pay for 1 day, but that the agent has appealed the suspension and that appeal is still pending.

2. The OIG conducted an investigation of allegations that a Drug Enforcement Administration (DEA) Executive Assistant was arrested and charged with domestic violence and battery after an altercation with his wife. The investigation found that the employee was charged in state court with domestic violence and battery, but that the charge against him was subsequently dismissed without prejudice based on his wife's refusal to cooperate in the prosecution. During a compelled interview with the OIG, the subject admitted that he grabbed and pushed his wife in a defensive manner. The OIG's investigation determined that these actions violated the DEA Standards of Conduct. On September 16, 2012, the OIG provided its Report of Investigation to the DEA for appropriate action.

The DEA has informed us that the subject received a letter of caution.

3. The OIG conducted an investigation of allegations that an FBI Supervisory Special Agent (SSA) accepted two tickets to a National Basketball Association (NBA) All-Star Game from a Special Agent, who allegedly received the tickets from the NBA for official use in his capacity as special events coordinator. The SSA allegedly gave the tickets to family members. The OIG investigation determined that the SSA received approximately 20 "public safety passes" from the NBA that were intended for official use and gave two of the passes to family members in violation of FBI ethics regulations prohibiting employees from accepting gifts given because of their official position. The OIG investigation developed no evidence that the Special Agent gave NBA tickets or passes to the SSA or otherwise committed misconduct. Prosecution of the SSA was declined. On September 27, 2012, the OIG provided its Report of Investigation to the FBI for appropriate action.

On February 8, 2013, the FBI informed us that the SSA was suspended without pay for 3 days, but that it was not known whether the SSA will appeal the suspension.

4. The OIG conducted an investigation of allegations that an FBI Special Agent in Charge (SAC) accepted several tickets to an NBA All-Star Game from the NBA. The OIG investigation determined that the SAC received 10 tickets to various All-Star Game events from the NBA for official use only, including 2 tickets to the All-Star game, and that he gave at least 4 tickets to family members in violation of ethics regulations prohibiting employees from accepting gifts given because of their official position. The OIG investigation further determined that the SAC had misused official time and government resources to engage in extramarital affairs with three women, and that the SAC lied under oath about both his misuse of the tickets and his misuse of official time and government resources during a compelled interview with the OIG. Prosecution of the SAC was declined. On July 24, 2012, the OIG provided its Report of Investigation to the FBI for appropriate action.

On February 8, 2013, the FBI informed us that the employee's oral hearing regarding proposed discipline occurred in February 2013 and that a final decision by the Assistant Director for FBI Office of Professional Responsibility (FBI OPR) is pending, after which the employee may have the opportunity to appeal to the FBI Disciplinary Review Board. The FBI also informed us that, in August 2012, the subject of this investigation requested and was granted a reduction in pay grade to a non-supervisory GS-13 position.