

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

April 1, 2013 – September 30, 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 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 Assistant United States Attorney (AUSA) attempted to use his official position during a traffic stop to avoid being arrested for driving while intoxicated. During an interview with the OIG, the AUSA admitted identifying himself as an AUSA to the arresting officer and referencing his relationships with the police chief and a detective, but denied that he did so in an effort to influence the officer's investigation. He stated that he called the detective while in jail to ask if he could post a bond for him, not to ask to have the case dismissed. However, the detective's police report stated that the AUSA had called him twice and repeatedly asked whether police personnel could provide assistance with the arrest. The OIG concluded that the AUSA misused his official position in violation of ethics regulations. On April 9, 2013, the OIG provided its Report of Investigation (ROI) to the Executive Office for United States Attorneys (EOUSA) for appropriate action.

EOUSA has informed us that, on May 6, 2013, the AUSA was suspended without pay for two days.

2. The OIG and the Federal Bureau of Investigation (FBI) jointly conducted an investigation of allegations that the wife and mother-in-law of an AUSA accepted money from the defendant in a state prosecution in exchange for the AUSA's assistance in having those charges dismissed. The OIG found that the AUSA exhibited poor judgment when, at the request of his wife, he used his official position to make inquiries of local law enforcement and the defendant's attorney about the status of the defendant's case. The OIG also found that, although the AUSA was not involved in the solicitation of a bribe, he learned about a bribe attempt prior to the OIG's investigation and failed to report it to his supervisors. The AUSA also provided false or misleading information during interviews with the OIG. The AUSA resigned his position on

December 28, 2012. Prosecution was declined. On April 16, 2013, the OIG provided a copy of its ROI to EOUSA and to the Department's Office of Professional Responsibility.

3. The OIG conducted an investigation of allegations that a U.S. Marshals Service (USMS) Assistant Director misused government travel funds and committed other misconduct. The OIG found that at the Assistant Director's insistence, other USMS employees accompanied him on official travel, and that the additional travel expenses were a questionable use of resources and potentially wasteful. The investigation further found that the Assistant Director reassigned a USMS employee for the purpose of allowing the employee to retain a government take home vehicle, and could not articulate a reason for the reassignment. The Assistant Director also used USMS personnel to expedite his processing through U.S. customs upon return from international travel. His doing so and authorizing overtime for the employees constituted misuse of position and waste. The OIG also found significant irregularities in the Assistant Director's handling of the hiring, renewal, and duties of an independent contractor over a period of three years. For example, he paid the contracts from an account not authorized for the purpose, and that the contractor's duties were far below those of an employee at an equivalent federal pay grade. Prosecution was declined. On April 25, 2013, the OIG provided its ROI to the USMS for appropriate action.

The USMS has informed us that the Assistant Director retired on January 11, 2014, before the matter could be adjudicated.

4. The OIG conducted an investigation of allegations that an FBI Assistant Special Agent in Charge (ASAC) had sexual relationships with and sexually harassed subordinates, creating a hostile work environment. The investigation determined that the ASAC was involved in a sexual relationship with a subordinate, and that the ASAC disregarded for three months his supervisor's instruction to inform him if a relationship developed with the subordinate. The ASAC admitted that he also misused his assigned government vehicle and Blackberry device to further the relationship. Additionally, the investigation determined that the ASAC sexually harassed other female subordinates, had inappropriate sexual contact with two other subordinates while on duty, retaliated against a female Special Agent after she refused to engage in a romantic relationship with him, and misused his FBI-issued Blackberry device to further his efforts to engage in romantic relationships with approximately 17 female FBI employees, nine of whom were direct subordinates, as well as approximately 29 other women. On April 30, 2013, the OIG provided its findings to the FBI for appropriate action.

On January 3, 2014, the FBI informed us that the FBI's Office of Professional Responsibility (FBI OPR) had issued its disciplinary decision and that the ASAC's appeal of that decision remained pending.

5. The OIG conducted an investigation of a Department official alleged to have engaged in misconduct with respect to a contractor. The OIG determined that the official exceeded his authority by directing the contractor to perform work outside the scope of the contract and without using proper procedures; that he allowed the government to accept the contractor's services free of charge; and that the contractor paid for refreshments and incurred costs in providing meeting space without charge to a professional organization in which the official served as an officer, although the official did not request the contractor to do so. The OIG also found that the official discussed a contracting opportunity with only the contractor rather than presenting the matter to appropriate contracting personnel so that the opportunity could be advertised to all potential bidders. Additionally, the OIG found that a Drug Enforcement Administration (DEA) official with whom the Department official worked likely communicated internal government procurement decisions to the contractor, and that another DEA official assisted a friend's daughter in obtaining employment with the contractor. Prosecution was declined. On June 13, 2013, the OIG provided its ROI to the Department for appropriate action.

The Department has informed us that the decision was made not to take administrative action against the Department official, as training was deemed to be the appropriate action. The Department official completed the additional training before the OIG provided its ROI to the Department. Additionally, the DEA has informed us that the decision was made not to take administrative action against the two DEA officials, one of whom retired from federal service before the OIG provided its ROI to the Department.

6. The OIG conducted an investigation into whether a Department attorney had engaged in inappropriate activity using his government computer, including accessing pornography. The OIG found that the attorney had visited over 2,500 websites containing adult content and more than 1,100 pornographic images were recovered from his hard drive. The OIG also found that, on multiple days, the attorney had spent the majority of his duty time viewing inappropriate adult websites. Prosecution and civil fraud actions were declined. The attorney retired from federal service prior to an OIG administrative interview. On July 23, 2013, the OIG provided its ROI to the Department component at which the attorney was employed.

7. The OIG conducted an investigation of allegations that a DEA official had engaged in outside employment and committed other personnel violations. The OIG investigation found that the official engaged in outside employment without prior DEA approval when he created a security services company and served on the Board of Trustees for two organizations. The official retired from DEA during the investigation. On July 23, 2013, the OIG provided its ROI to the DEA.

8. The OIG conducted an investigation of allegations against an Immigration Judge. The OIG's investigation found, among other things, that the judge solicited immigration attorneys to purchase jewelry from her; borrowed money from an immigration attorney as well as an interpreter employed by the immigration court; failed to recuse herself from cases involving attorneys that were actively representing her family members on various criminal matters when they appeared in her court; and used her title on multiple occasions to request personal information, including a state criminal history report related to a family member. The OIG concluded that the judge had violated the Executive Office of Immigration Review's (EOIR) Ethics and Professionalism Guide with respect to appearances of impropriety, impartiality in performing official duties, use of public office for private gain, and outside employment and activities, as well as an EOIR policy providing guidance concerning recusal orders in immigration proceedings. On September 8, 2013, the OIG provided its ROI to EOIR for appropriate action.

On January 9, 2014, EOIR informed us that the matter remained pending while a proposed disciplinary action was being prepared.

9. The OIG conducted two separate investigations of allegations against an FBI official.

The OIG initiated one investigation based on information that, in 2009, the official engaged in misconduct while assigned to an FBI field office. During an interview with the OIG, the official admitted that he provided two personal friends and others with information derived solely from his official duties and had warned a subject of an FBI investigation to cease certain activities following an FBI interview of the subject's brother. The OIG also found that the official had engaged in other misconduct, including a lack of candor in official communications, and that he had created potential security risks by releasing sensitive law enforcement information to media contacts without prior approval. On September 18, 2013, the OIG provided its ROI to the FBI.

The OIG conducted a second investigation in which separate allegations were not substantiated, but we found that the official lacked candor when interviewed by the OIG. On October 23, 2013, the OIG provided its ROI to the FBI.

The official retired from the FBI during the OIG's investigations.

10. The OIG conducted an investigation of allegations that an AUSA misused his official position to conduct his own investigation into his wife's arrest for disorderly conduct and intimidated a witness associated with the arrest. The OIG found that the AUSA identified himself as a "federal prosecutor" to multiple persons while acting in a private capacity; presented his credentials or official business card to the managers of two private business establishments, which resulted in one of the managers allowing him to view a security video; and made intimidating statements to a police officer. The OIG also concluded that the AUSA lacked candor when, among other things, he stated to the OIG that he had not interviewed witnesses related to the arrest. Prosecution was declined. On September 24, 2013, the OIG provided its ROI to EOUSA for appropriate action.

On January 3, 2014, EOUSA informed us that the matter was still pending.

11. Based on information from the Department's Office of Justice Programs (OJP), the OIG conducted an investigation into whether a Department employee had released procurement-sensitive information and engaged in misconduct relating to an organizational conflict of interest. The OIG found, among other things, that the employee directed a change in the Statement of Work so that an existing subcontractor could no longer perform the work required, arranged a new subcontractor's selection, and received assistance from that new subcontractor when preparing documents in the Request for Quotations. Based on the content and amount of the new subcontractor's bid, the OIG also found it likely that the employee had shared the government's internal cost estimate because the bid matched the internal government estimate exactly. The OIG concluded the employee had violated both procurement and ethics regulations prohibiting the disclosure of nonpublic information. Prosecution was declined. On October 23, 2013, the OIG provided its ROI to OJP for appropriate action.

On January 28, 2014, OJP informed us that the matter was still pending.