



OFFICE OF THE INSPECTOR GENERAL

U.S. Department of Justice

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INVESTIGATIVE SUMMARY

Findings of Misconduct by a then United States Attorney for Violating DOJ Policy Regarding Possible Conflicts of Interest and by a then First Assistant United States Attorney for Failing to Report Those Possible Conflicts

The Office of the Inspector General (OIG) initiated this investigation upon the receipt of information from the Department of Justice (DOJ) Office of Professional Responsibility (OPR) suggesting that a then United States Attorney (USA) violated DOJ policy regarding conflicts of interest by directly participating in the criminal investigation and prosecution of two individuals with whom the then USA had previous relationships – having represented one in an earlier criminal case and having testified as a fact witness on behalf of the other in an earlier parole revocation hearing, while working in private practice before becoming the USA.

The OIG investigation concluded that the USA violated DOJ policy by failing to consult with the General Counsel's Office, Executive Office for United States Attorneys (EOUSA) about the possible conflict of interest that the USA's prior relationships with the two defendants created. The OIG further found that the USA violated DOJ policy when the USA "informally recused" from the criminal investigation and prosecution of the two defendants, but nevertheless actively participated in multiple aspects of that matter.

The OIG investigation also concluded that the then First Assistant United States Attorney also violated DOJ policy by failing to consult with EOUSA upon learning of the possible conflict of interest between the USA and the two defendants.

The USA resigned in 2015 and the FAUSA retired in 2018.

Criminal prosecution was declined.

The OIG has completed its investigation and is providing this report to the Office of the Deputy Attorney General, EOUSA, and OPR for appropriate action.

Unless otherwise noted, the OIG applies the preponderance of the evidence standard in determining whether DOJ personnel have committed misconduct.

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