



DEPARTMENT OF JUSTICE | OFFICE OF THE INSPECTOR GENERAL

## INVESTIGATIVE SUMMARY | 22-073

### **Findings of Misconduct by a then Department of Justice (DOJ) Office of the Inspector General (OIG) Employee for Unauthorized Disclosure of Sensitive, Non-Public Information to the Media, including Information from a Draft DOJ OIG Report**

Upon reporting by a media outlet that it had reviewed a draft report of the Department of Justice (DOJ) Office of the Inspector General (OIG), the DOJ OIG referred for investigation to the Integrity Committee of the Council of the Inspectors General on Integrity and Efficiency (CIGIE), as required by the Inspector General Act, the question of whether one or more DOJ OIG employees had disclosed the draft DOJ OIG report or other sensitive, non-public information about the then ongoing DOJ OIG review to the media without authorization. After considering the referral, CIGIE's Integrity Committee declined to investigate the matter as there was no allegation or information suggesting that any person covered under the Integrity Committee's jurisdiction disclosed sensitive, non-public information to the media without authorization. However, the Integrity Committee agreed, at DOJ OIG's request, to identify another Office of Inspector General of the Integrity Committee's choosing to conduct an independent investigation of the alleged unauthorized disclosure.

The independent investigation conducted by the other Office of Inspector General concluded that a then DOJ OIG employee was responsible for sensitive, non-public information from and about the then ongoing DOJ OIG review, including information from the draft DOJ OIG report, being provided on several occasions to various media outlets prior to completion and official public release of DOJ OIG's final report, and that the employee did so without authorization from DOJ OIG. The independent investigation reviewed the DOJ OIG employee's phone records and found that they reflected numerous and lengthy phone conversations between the then DOJ OIG employee and reporters at the media outlets during the time period in which articles were published about the then ongoing DOJ OIG review, as well as electronic evidence that demonstrated that the then DOJ OIG employee was privy to documents referenced in the various articles. The independent investigation further identified phone calls between the then DOJ OIG employee and reporters at the media outlets that, in multiple instances, occurred close in time both to the then DOJ OIG employee accessing or possessing specific sensitive, non-public documents, including the draft DOJ OIG report, relating to the then ongoing DOJ OIG review and to the publication of the news articles. The independent investigation found that the then DOJ OIG employee's actions violated federal ethics regulations and DOJ OIG policy.

The independent investigation noted that the then DOJ OIG employee abruptly resigned from DOJ OIG shortly before the date by which the employee and other DOJ OIG employees connected to the then ongoing DOJ OIG review were asked to submit sworn answers to a questionnaire regarding the unauthorized disclosures to the media. The independent investigation further noted that the then DOJ OIG employee was the only DOJ OIG employee who did not answer the questions about the unauthorized disclosures. When later contacted by the independent investigators, the former employee declined to be interviewed. Neither DOJ OIG nor the Office of Inspector General that conducted the independent investigation on DOJ OIG's behalf has the authority to compel or subpoena testimony from former employees, including those who resign during the course of an investigation.

The Office of Inspector General that conducted the independent investigation has completed the investigation, provided its report to DOJ OIG, and, because the report contained misconduct findings against an attorney, provided its report to DOJ's Office of Professional Responsibility for appropriate action.



Following DOJ OIG's policy and practice, the independent investigators applied the preponderance of the evidence standard in determining whether any DOJ OIG personnel committed misconduct.