



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

April 10, 2015

The Honorable F. James Sensenbrenner, Jr.
Chairman
Subcommittee on Crime, Terrorism,
Homeland Security, and Investigations
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

In advance of the Subcommittee's hearing scheduled for April 15, 2015, we wish to inform you of actions taken by the Department of Justice (the Department) in response to the Department of Justice (the Department) Office of the Inspector General (OIG) report, *The Handling of Sexual Harrassment and Misconduct Allegations by the Department's Law Enforcement Components*.¹

The Attorney General and Acting Deputy Attorney General share your concerns about the conduct detailed in the OIG report. We are also troubled by the apparent inadequacy of the Drug Enforcement Administration's (DEA) response to that and other conduct that we have learned about since the release of the report. To address these issues we have begun two specific and significant inquiries: one into the security clearances held by the individuals described in the OIG report; and the second a comprehensive review of DEA's processes and procedures for investigating allegations of misconduct as well as for determining and effectuating disciplinary action where appropriate. In addition, as described in more detail below, the Attorney General has issued the enclosed memorandum explicitly prohibiting the solicitation or procurement of commercial sex.

As noted in your letter, OIG found that DEA agents admitted to attending parties with prostitutes and that DEA's Office of Professional Responsibility (OPR) failed to fully investigate this alleged misconduct. While discipline was imposed on each of the agents who admitted to the misconduct, none of the agents were dismissed. Although we have significant concerns about the lack of severity of this discipline, federal civil service protections preclude us from re-opening these closed matters. Nonetheless, the Department's leadership agrees with OIG that the conduct described in the report is unacceptable for any Department employee.

¹ U.S. Department of Justice, Office of the Inspector General, *The Handling of Sexual Harassment and Misconduct Allegations by the Department's Law Enforcement Components* (March 2015).

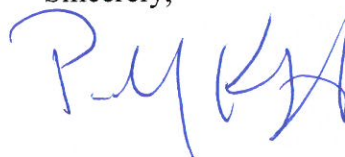
OIG also found that DEA OPR failed to refer this misconduct to the Office of Security Programs. The Office of Security Programs is responsible for ensuring that all DEA employees meet the requirements to maintain a security clearance. The fact that DEA's OPR failed to share with the Office of Security Programs these allegations and admissions of significant misconduct has left unanswered questions about the implications of this misconduct on the security clearances held by these individuals. To address this concern, the Attorney General has directed that the matter be referred to the Department Security Officer to review the security clearances for all of the agents who were involved in the misconduct.

The Department is also concerned about the adequacy of the discipline that DEA imposed. To ensure that DEA properly investigates and holds accountable its employees who engage in serious acts of misconduct, the Attorney General has directed the head of the Department's Office of Professional Responsibility to undertake a comprehensive review of DEA's processes and procedures for investigating allegations of misconduct as well as for determining and effectuating disciplinary action where appropriate. The Office of Professional Responsibility will also evaluate DEA's failure to coordinate security matters between DEA OPR and the Office of Security Programs. Following this review, the Department will work with DEA to enhance its policies and procedures to ensure that all allegations are thoroughly investigated and that any substantiated findings of misconduct are properly addressed through the disciplinary process and appropriately reported to the Office of Security Programs.

Finally, the Department's leadership has no tolerance for this type of misconduct. To ensure that this policy is clearly and unequivocally communicated to all Department employees, the Attorney General has issued the enclosed memorandum reiterating that employees are prohibited from soliciting or procuring commercial sex. This prohibition covers all Department personnel, including attorneys, law enforcement officers, contractors, and subcontractors, and applies at all times during an individual's employment, contract, or subcontract, including while on personal leave. This policy prohibits accepting commercial sex purchased on one's behalf, and applies regardless of whether the sexual activity is legal or tolerated in a particular jurisdiction, foreign or domestic.

The Department is committed to the highest standards of conduct for all of its employees, and we look forward to working with you and your staff as we continue to assess and resolve these critical issues. We hope that the testimony before the Subcommittee on Wednesday, April 15, 2015, by DEA Deputy Chief of Inspector Herman E. Whaley, Jr. will be helpful to you. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,



Peter J. Kadzik
Assistant Attorney General

The Honorable F. James Sensenbrenner, Jr.
Page 3

Enclosure

cc: The Honorable Sheila Jackson Lee
Ranking Member



Office of the Attorney General
Washington, D. C. 20530

April 10, 2015

MEMORANDUM FOR ALL DEPARTMENT PERSONNEL

FROM:

A handwritten signature in black ink, appearing to be "E. Holder", is written over the "FROM:" label.

Eric H. Holder, Jr.
Attorney General

SUBJECT:

Prohibition on the Solicitation of Prostitution

The Department of Justice is measured by the conduct of those who work on its behalf. The solicitation of prostitution threatens the core mission of the Department, not simply because it invites extortion, blackmail, and leaks of sensitive or classified information, but also because it undermines the Department's efforts to eradicate the scourge of human trafficking. Regardless of whether prostitution is legal or tolerated in a particular jurisdiction, soliciting prostitutes creates a greater demand for human trafficking victims and a consequent increase in the number of minor and adult persons trafficked into commercial sex slavery.

For these reasons, I want to reiterate to all Department personnel, including attorneys and law enforcement officers, that they are prohibited from soliciting, procuring, or accepting commercial sex. This rule applies at all times during an individual's employment, including while off duty or on personal leave, and applies regardless of whether the activity is legal or tolerated in a particular jurisdiction, foreign or domestic.

Department employees who violate these prohibitions will be subject to suspension or termination. Supervisors and managers are subject to discipline for failing to report suspected violations. Suspected violations by Department employees must be immediately reported to the internal affairs personnel of the relevant component's headquarters (or, for those without an internal affairs department, an equivalent entity). Allegations determined to be non-frivolous also must be reported to the component's security personnel. The Department also expects adherence to these standards by its contractors and sub-contractors, grant recipients and sub-grant recipients, and cooperative agreement holders, who are subject to all remedies available by statute and regulation when such standards are not met.