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Department of Justice Closed Investigation Reports Included

| CASE Number | Date |
|----------------------|--------------------|
| 2008001255 | September 4, 2008 |
| 2008-002103 | September 22, 2008 |
| 2008-001320 | August 4, 2009 |
| 2008001049 | November 3, 2008 |
| 2008-001036 | August 29, 2008 |
| 2008-000831 | September 3, 2008 |
| 2001000336 | January 12, 2009 |
| 2008-000203 | February 17, 2009 |
| 2007-009481 | September 29, 2008 |
| 2007-009465 | November 24, 2008 |
| 2007-004441 | May 23, 2008 |
| 2007-008560 | August 26, 2008 |
| MI-402-2008-004097-1 | July 20, 2009 |
| 2008-003976 | July 8, 2009 |
| 2008-001318 | February 2, 2009 |
| 2009-000019 | January 13, 2009 |
| 2009-000449 | November 16, 2009 |
| 2009-001076 | August 5, 2009 |
| 2009-000982 | September 29, 2009 |
| 2009001582 | May 21, 2009 |
| 2008-009530 | October 29, 2009 |
| LA-410-2008-006134-1 | August 18, 2008 |
| 2008-000793 | January 15, 2008 |
| 2008006799 | February 9, 2010 |
| 2008-006469 | August 22, 2008 |
| 2009-003501 | July 21, 2009 |
| 2007-001051 | July 24, 2008 |
| 2009-004117 | November 9, 2009 |
| 2009-002059 | March 9, 2009 |
| 2008-008711 | September 24, 2008 |
| 2008-000904 | June 12, 2008 |
| 2007-009182 | February 20, 2008 |
| 2007008478 | October 9, 2007 |
| 2007-006624 | September 7, 2007 |
| 2007004505 | May 30, 2007 |
| 2009-004445 | July 27, 2009 |



U.S. Department of Justice

Office of the Inspector General

June 17, 2010

Subject: Freedom of Information/Privacy Act Request [09-OIG-112]

I am writing regarding your request for information pursuant to the Freedom of Information Act (FOIA). Specifically, you seek closed investigative reports for the period January 1, 2007 to the date of your request.

The responsive documents have been reviewed. It has been determined that certain portions of such documents and documents in their entirety be withheld inasmuch as the records you request were compiled for law enforcement purposes and their release could reasonably be expected to interfere with enforcement proceedings and could reasonably be expected to constitute an unwarranted invasion of personal privacy pursuant to the Freedom of Information Act, 5 U.S.C. §552(b)(6), (7)(A) and (7)(C). Consequently, please find enclosed that information which can be released pursuant to your request.

If you are dissatisfied with my action on this request, you may appeal from this partial denial by writing to the Director, Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Avenue, Suite 11050, Washington, D.C. 20530. Your appeal must be received by OIP within 60 days of the date of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." In the event you are dissatisfied with the results of any such appeal, judicial review will thereafter be available to you in the United States District Court for the judicial district in which you reside or have your principal place of business, or in the District of Columbia, which is also where the records you seek are located.

Sincerely,

A handwritten signature in black ink, reading "Deborah Marie Waller", is positioned above the typed name.

Deborah Marie Waller

FOI/PA Specialist

Office of the General Counsel

ABBREVIATED REPORT OF INVESTIGATION

| | | |
|--|--|---|
| SUBJECT (b)(6), (b)(7)c Civilian Highlands Ranch, Colorado | | CASE NUMBER 2008001255 |
| OFFICE CONDUCTING INVESTIGATION Denver Field Office | | DOJ COMPONENT Federal Bureau of Investigation |
| DISTRIBUTION <input checked="" type="checkbox"/> Field Office <input checked="" type="checkbox"/> AIGINV <input checked="" type="checkbox"/> Component FBI <input type="checkbox"/> USA <input type="checkbox"/> Other | STATUS <input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Date of Previous Report: | |

SYNOPSIS

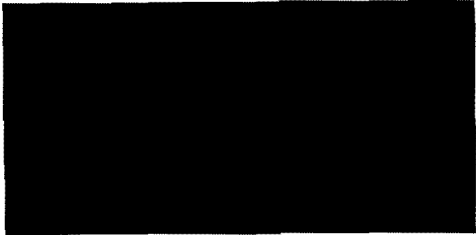
On December 17, 2007, this investigation was initiated based on complaint information received from the Federal Bureau of Investigation (FBI) alleging that an unidentified female Denver FBI employee provided sensitive law enforcement information to her unidentified civilian husband, who provided it, in turn, to civilian [REDACTED]. The allegation stemmed from [REDACTED] boasting to civilian [REDACTED] that he could obtain criminal history and license plate registration information from the FBI employee.

The investigation revealed the alleged FBI employee's name, [REDACTED] and established that [REDACTED] has never been employed by the FBI. [REDACTED] did serve as an intern for the Colorado Bureau of Investigation for 4 months beginning in January 2005. However, [REDACTED] told the Office of the Inspector General (OIG) that she did not have access to criminal history or license plate registration information. [REDACTED] further stated that her husband, [REDACTED] never asked her to obtain such sensitive law enforcement information. Interviews with [REDACTED] corroborated [REDACTED] statement that she never provided the referenced law enforcement information. In addition to [REDACTED] corroborations, [REDACTED] supervisor at the Colorado Bureau of Investigation, [REDACTED], confirmed to the OIG that [REDACTED] did not have access during her internship to criminal history and vehicle registration information.

The OIG has completed its investigation and is providing this report to the FBI for its review.

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|-------------------------------------|-------------------|-----------|------------|
| DATE | September 4, 2008 | SIGNATURE | [REDACTED] |
| PREPARED BY SPECIAL AGENT | | | |
| DATE | September 4, 2008 | SIGNATURE | [REDACTED] |
| APPROVED BY SPECIAL AGENT IN CHARGE | | | |

ADDITIONAL SUBJECTS OF INVESTIGATION



REPORT OF INVESTIGATION

| | | | |
|---|--|---|--|
| SUBJECT [REDACTED] Federal Bureau of Investigation Springfield Division | | CASE NUMBER 2008-002103 | |
| OFFICE CONDUCTING INVESTIGATION Chicago Field Office | | DOJ COMPONENT Federal Bureau of Investigation | |
| DISTRIBUTION <input checked="" type="checkbox"/> Field Office CFO <input checked="" type="checkbox"/> AIGINV HQ <input checked="" type="checkbox"/> Component FBI <input type="checkbox"/> USA <input type="checkbox"/> Other | | STATUS <input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Date of Previous Report: | |

SYNOPSIS

This investigation was initiated based on information received from the Federal Bureau of Investigation (FBI) Inspection Division regarding allegations that [REDACTED] FBI Springfield Division, may have disclosed sensitive case information to a confidential human source (CHS) without authorization.

The FBI received information from an inmate at the Illinois River Correctional Center (IRCC) who is a CHS operated by the FBI and Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Chicago Divisions. The CHS (hereafter identified as CHS#1) has been a significant source who has been instrumental in the development of a joint FBI and ATF investigation [REDACTED] CHS#1 advised the FBI that another IRCC inmate made inquiries to him regarding statements he made to his handling agents of the FBI and ATF. CHS#1 also stated this inmate presented him with a written list of names of persons who are subjects of FBI case [REDACTED] The IRCC inmate who approached CHS#1 is also a CHS (hereafter identified as CHS#2) and is handled by [REDACTED]

A review of the Automated Case Support (ACS) database revealed that [REDACTED] accessed FBI case 281A-CG-126475 on several occasions. [REDACTED] did not conduct any direct searches on the FBI case; that particular case was returned through different searches [REDACTED] conducted on the names that CHS#2 provided him. A review of recorded telephone conversations between [REDACTED] and CHS#2 in December 2007 revealed that in six phone calls, [REDACTED] provided ACS-acquired information related to FBI case 281A-CG-126475 to CHS#2. At a point in one conversation, [REDACTED] read virtually verbatim an entire FBI Form FD-302 (Form for Reporting Information That May Become Testimony). In another conversation, [REDACTED] acknowledged to CHS#2 he had provided classified information from an FBI

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|-------------------------------------|--------------------|-----------|------------|
| DATE | September 22, 2008 | SIGNATURE | [REDACTED] |
| PREPARED BY SPECIAL AGENT | | | |
| DATE | 9/22/08 | SIGNATURE | [REDACTED] |
| APPROVED BY SPECIAL AGENT IN CHARGE | | | |

computer. [REDACTED] conversation with CHS#2 took place on regularly monitored and recorded inmate lines at the IRCC. There is no evidence that [REDACTED] inappropriately accessed any other FBI case or disclosed any other FBI case information to CHS#2 or anyone else.

In a sworn statement to the Office of the Inspector General (OIG), [REDACTED] stated CHS#2 provided him with information regarding a potential attack on the Hell's Angels Motorcycle Club by the Outlaws Motorcycle Club that was to occur in spring 2008. According to [REDACTED] he conducted searches in ACS on different names CHS#2 provided him over the telephone in order to gain further information on this impending attack. [REDACTED] admitted to providing the returned case information from ACS to CHS#2 over the telephone on several different occasions. [REDACTED] denied accessing FBI case 281A-CG-126475 directly and stated he was not aware this was an ongoing investigation or who the subjects of the case were. [REDACTED] stated he felt it was necessary and appropriate to provide CHS#2 with this case information in order to prevent a violent act. However, [REDACTED] admitted that he should have checked the status of the case prior to providing case information to CHS#2. [REDACTED] also admitted that he should have paraphrased the case information he provided to CHS#2 instead of reading portions of the FD-302s verbatim.

The OIG investigation determined that [REDACTED] did not violate the FBI Confidential Human Source Policy Manual, Section 1.9, which prohibits conveying any sensitive investigative information to a CHS other than what is necessary and appropriate for operational reasons. The OIG established there was an operational need for [REDACTED] to disclose FBI case information to a CHS. However, the OIG found that [REDACTED] should have exercised greater caution in evaluating the information that was to be shared with the CHS, to include the status of the case.

The OIG has completed its investigation and is providing this report to the FBI for its review and appropriate action.

DETAILS OF INVESTIGATION

Predication

The OIG investigation was initiated upon receipt of information from the FBI Inspection Division regarding allegations that [REDACTED] FBI Springfield Division, disclosed sensitive FBI case information to a CHS without authorization. In a January 17, 2008, referral letter, the FBI Inspection Division specifically stated that [REDACTED] learned of the disclosure in the week of January 7, 2008. The referral included the disclosed information and supporting documents and recordings acquired by the FBI Chicago Division.

Investigative Process

The OIG investigation included:

- Interview of [REDACTED]
- A review of recorded telephone conversations between [REDACTED]
- A review of [REDACTED] ACS user activity
- A review of [REDACTED] CHS file regarding CHS#2
- A review of the FBI CHS Policy Manual
- A voluntary interview and sworn statement of [REDACTED]
- An interview of [REDACTED]
- An interview of [REDACTED]

Background

According to the FBI Chicago Division's referral dated January 17, 2008, CHS#1 is an inmate at IRCC and is handled by the FBI and ATF Chicago Divisions. CHS#1 has been an instrumental source in the development of a joint FBI and ATF investigation ([REDACTED]). [REDACTED] is both the substantive case agent for [REDACTED] and the handling agent of CHS#1. During the week of January 7, 2008, CHS#1 advised [REDACTED] that another inmate housed at IRCC, later identified as CHS#2, made an inquiry to CHS#1 regarding specific statements CHS#1 made to his handling agents at the FBI and ATF. According to CHS#1, CHS#2 presented CHS#1 with a written list of names that are subjects of FBI case [REDACTED].

Subsequent investigation by the FBI Chicago Division revealed that during the month of December 2007, [REDACTED] accessed the Automated Case Support system for case [REDACTED] and reviewed serials 7 and 9. The FBI Chicago Division obtained copies of tape-recorded telephone conversations between [REDACTED] and CHS#2 from the IRCC. A review of those telephone conversations revealed [REDACTED] provided informational content from serials 7 and 9 of case [REDACTED] to CHS#2. At

one point in a conversation, [REDACTED] appeared to read virtually an entire FD-302 verbatim. That particular FD-302 contained information obtained from CHS#1, and [REDACTED] identified the information as originating from a source.

Before the FBI Chicago Division obtained the telephone recordings from IRCC, the conversations were reviewed by IRCC authorities who shared this information with [REDACTED]. The IRCC authorities stated it was clear someone claiming to be an FBI employee accessed computerized information and disclosed this information to CHS#2. The possible unauthorized disclosure of information was reported to the United States Attorney's Office, Northern District of Illinois, and the ATF Chicago Field Division.

FBI Chicago Division Concerns

FBI [REDACTED] and the handling agent of CHS#1, told the OIG that she was concerned the case would be compromised due to the disclosure of sensitive information by [REDACTED] and CHS#2. [REDACTED] advised that her case had sealed indictments and arrest warrants pending and that she was particularly concerned that CHS#2 presented CHS#1 with specific names of the main targets of the case. [REDACTED] told the OIG she was not aware of any work-related reason [REDACTED] was accessing this case in ACS. [REDACTED] expressed concerns to the OIG that [REDACTED] may have downplayed CHS#2's prior criminal acts and not documented those admissions by CHS#2, and that [REDACTED] may have provided substantive case information to CHS#2 regarding other FBI investigations. [REDACTED] stated there is no indication that FBI case [REDACTED] had been compromised due to [REDACTED] disclosure of the FBI case information to CHS#2.

During a subsequent interview with the OIG, [REDACTED] advised that she had submitted a request on April 20, 2007, for this case to be restricted in ACS. The OIG learned that although the main case was restricted in ACS effective April 24, 2007, the Sub A file, containing serials 7 and 9, was not restricted until September 5, 2008.

Review of [REDACTED] Recorded Telephone Conversations With CHS#2

A review of all telephone conversations between [REDACTED] and CHS#2 by the OIG identified case content in the time period of December 11, 2007, through December 27, 2007. (It should be noted that because CHS#2 is an inmate at IRCC, all of his telephone conversations are monitored by Illinois Department of Corrections (IDOC) staff.) During some of these conversations, [REDACTED] provided CHS#2 with case information, stemming directly from FD-302s (serials 7 and 9) and relating to FBI case [REDACTED]. At one point in a conversation, [REDACTED] read almost an entire FD-302 (serial 7) verbatim to CHS#2 over a monitored telephone line. In doing so, [REDACTED] revealed to CHS#2 that this information was obtained from a protected source. [REDACTED] also read parts of serial 9 verbatim; however, he paraphrased other information contained in this report. Overall, [REDACTED] provided CHS#2 with almost all of the information contained in two FD-302s (serials 7 and 9) during these telephone conversations.

At one point in a conversation, ██████ acknowledged that he was providing classified information to CHS#2 from an FBI computer.

Review of ██████ ACS User Activity

Review of ██████ ACS use showed ██████ accessed information on FBI case ██████ on December 11, December 12, and December 17, 2007. ██████ did not conduct any direct searches on FBI case ██████. However, that particular FBI case number was returned through different searches ██████ conducted on an individual's name that CHS#2 provided him over the telephone. ██████ appeared to view the documents returned through his searches only briefly. On December 12, 2007, ██████ printed out one FD-302 (serial 9) relating to the FBI investigation.

████████ Explanation for the Disclosure

According to ██████ since approximately May 2005, he had been handling CHS#2, who was a very reliable and instrumental source to the FBI and other law enforcement entities. During the 2 1/2 years CHS#2 was open with the FBI, he was responsible for multiple statistical accomplishments.

████████ described receiving case-related information from CHS#2. Beginning in November 2007 (when ██████ was appointed Acting Supervisor for his squad) and in December 2007, ██████ spoke with CHS#2 via telephone and received information that the Outlaws Motorcycle Club had moved into a safe house located in the northeast section of Kankakee, Illinois, an area within ██████ territorial jurisdiction. CHS#2 revealed this safe house was being used by the Outlaws Motorcycle Club as a staging area to store firebombs. CHS#2 had gathered information that a number of Outlaws members were moving to this safe house until the spring 2008, when they planned on attacking the Hell's Angels Motorcycle Club in Chicago, Illinois.

████████ said he was anxious to learn any additional information related to the proposed attack on the Hell's Angels Motorcycle Club. During a telephone conversation in December 2007, CHS#2 advised ██████ that ██████ could have acquired the firebomb that caused a fire at a restaurant in the Chicago area. In order to corroborate this information, ██████ immediately accessed the ACS database, which indicated that ██████. During subsequent telephone conversations with CHS#2, ██████ read from two FD-302s, which referred to ██████. ██████ said he read information contained in these reports to CHS#2 in an attempt to facilitate recall of further information related to the potential upcoming attack on the Hell's Angels Motorcycle Club in spring 2008. ██████ believed that CHS#2 needed as much information as possible to better assist the FBI in identifying members of the Outlaws who could be planning this upcoming violent attack. ██████ generated an Intelligence Information Report regarding this alleged potential attack on the Hell's Angels.

█████ provided the information he received from CHS#2 to his supervisor and documented it in an FD-1023 (Reporting Document). █████ said he was not aware that providing CHS#2 with this case information was violating any FBI policy. █████ did not check the status of the case and assumed it was a closed investigation. When █████ read the information from the FD-302s to CHS#2, he did not mention it was related to any specific investigation. █████ did not intentionally access this particular Chicago case; rather, he located the FD-302s while searching for names provided by CHS#2 in order to corroborate the information CHS#2 provided him.

█████ denied disclosing substantive case information to CHS#2 or anyone else regarding any other FBI investigations. █████ stated he would never intentionally compromise any law enforcement investigation. █████ stated he did not downplay felonies committed by CHS#2 and documented all pertinent information from CHS#2 appropriately in the CHS file.

█████ commented about the CHS Policy Manual, Section 1.9 guidance. The section reads, "(U) An FBI SA should not convey any sensitive investigative information to a CHS (for example, information relating to electronic surveillance, search warrants, or the identity of other actual or potential subjects or CHSs), other than what is necessary and appropriate for operational reasons." █████ stated he believed reading information from the FD-302s to CHS#2 was necessary and appropriate in order to enable CHS#2 to gather more information related to the upcoming attack on the Hell's Angels. █████ stated his only intention was to prevent this violent act.

ASAC Support

█████ FBI Springfield Division, has been █████ second line supervisor since October 2004. During an interview with the OIG, █████ stated █████ was the Acting Supervisor of Squad 3 in the Champaign RA from November 2007 through March 2008. █████ stated that he was aware █████ was working with CHS#2, and he knew CHS#2 had multiple statistical accomplishments and had provided law enforcement with reliable information in the past. █████ reviewed █████ Intelligence Information Report regarding the impending attack on the Hell's Angels by the Outlaws. █████ advised that he was not aware of █████ disclosure of FBI case information to CHS#2 until it was brought to his attention by the FBI Inspection Division.

█████ advised that it is the handling agent's responsibility to determine what information is appropriate to provide to a CHS in order to gather information. █████ believes that █████ only intention in disclosing case information to CHS#2 was to prevent a potential attack by gathering more information.

█████ stated that an agent may independently determine an operational need to disclose case information to a CHS, without necessarily having to consult with a supervisor. █████ felt that █████ possessed the knowledge and experience necessary to make that determination independently.

█████ was not aware of any FBI policy that prohibits reading an unclassified FD-302 verbatim to a CHS or mandates verifying the status of a case prior to disclosing case information. █████ advised that if a case is particularly sensitive, the case agent should request either the case itself or selected serials be restricted in ACS.

█████ stated that, in his opinion and to the extent he is aware of the facts in this case, █████ did not violate CHS Policy, Section 1.9, or any other FBI policy. However, █████ acknowledged that in retrospect, █████ disclosure of FBI case information to CHS#2 should have been handled more cautiously. He stated that █████ should have allowed himself more time to evaluate the information that was shared with the CHS, to include the status of the case.

SSRA Interpretation of Disclosure Policy

█████ immediate supervisor since March 2008, was not █████ supervisor or in the Champaign RA at the time of █████ disclosure but did comment on FBI CHS Policy, Section 1.9. During an interview with the OIG, █████ stated she became aware that █████ was under investigation, but she had very limited knowledge of the details of the allegations. At the request of the OIG, █████ reviewed FBI CHS Policy, Section 1.9. █████ stated that based on the policy and her experience, the handling agent should decide what is necessary and appropriate for operational reasons.

█████ stated she is not aware of any FBI policy that prohibits an agent from reading an FD-302 verbatim to a CHS. █████ stated that, in general, the origin of any information provided to a CHS should be concealed and the recipient of the information should be given only what is necessary. However, only the individual agent providing the information knows all the facts and circumstances necessary to make that determination.

█████ stated she is not aware of any FBI policy that mandates verifying the status of a case prior to providing case information to a CHS. █████ stated that a particularly sensitive case should be appropriately marked so the agent reviewing a document would be aware of any special circumstances.

OIG Findings

The OIG investigation determined that █████ did not violate the FBI Confidential Human Source Policy Manual, Section 1.9, which prohibits conveying sensitive investigative information to a CHS other than what is necessary and appropriate for operational reasons. The OIG established there was an

operational need for [REDACTED] to disclose FBI case information to CHS#2. [REDACTED] received intelligence from CHS#2 regarding an impending attack on the Hell's Angels Motorcycle Club by the Outlaws Motorcycle Club, and he generated an Intelligence Information Report in order to share this information with other FBI offices. According to [REDACTED] CHS#2 had demonstrated a strong knowledge of motorcycle gangs in Illinois, had been responsible for multiple statistical accomplishments, and had been a reliable source for the FBI and other law enforcement entities. The intelligence regarding this impending attack presented an operational need for [REDACTED] to disclose FBI case information to CHS#2 to better assist the FBI in identifying members of the Outlaws who could be planning this violent attack.

The OIG found that [REDACTED] should have exercised greater caution while dealing with CHS#2. [REDACTED] accessed FBI case [REDACTED] before checking to see if it was an open investigation. [REDACTED] acknowledged in a telephone conversation with CHS#2 that he was providing "classified" information to CHS#2 from an FBI computer. [REDACTED] read portions of the FD-302s to CHS#2 verbatim instead of paraphrasing the case information. [REDACTED] relayed the case information to CHS#2 over a telephone line monitored and recorded by IRCC staff. [REDACTED] acknowledged that [REDACTED] should have allowed himself more time to evaluate the information that was to be shared with the CHS, to include the status of the case. It should be noted that although FBI case [REDACTED] was restricted in ACS at the time [REDACTED] accessed it, the Sub A file containing serials 7 and 9 was not restricted until September 5, 2008. Therefore, [REDACTED] had access to those serials and was not alerted to the sensitive circumstances surrounding the Chicago Division investigation.

Despite [REDACTED] concerns, there is no evidence that [REDACTED] downplayed any felonies committed by CHS#2; [REDACTED] appropriately documented CHS#2's admissions related to felonies he committed in the CHS file. [REDACTED] also appropriately documented information he received from CHS#2 during telephone conversations in the CHS file. [REDACTED] generated an Intelligence Information Report regarding the information received from CHS#2 on the impending attack against the Hell's Angels Motorcycle Club. Although [REDACTED] expressed concern that [REDACTED] may have improperly disclosed information regarding other FBI investigations, no evidence was developed that [REDACTED] disclosed any substantive case information to CHS#2 or anyone else regarding additional FBI investigations.

The OIG has completed its investigation and is providing this report to the FBI for its review and appropriate action.

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|---|-----|---|---|--|--|
| SUBJECT Federal Bureau of Investigation West Palm Beach, Florida | | | CASE NUMBER 2008-001320 | | |
| OFFICE CONDUCTING INVESTIGATION Miami Field Office | | | DOJ COMPONENT Federal Bureau of Investigation | | |
| DISTRIBUTION | | STATUS | | | |
| <input checked="" type="checkbox"/> Field Office | MFO | <input type="checkbox"/> OPEN | <input type="checkbox"/> OPEN PENDING PROSECUTION | <input checked="" type="checkbox"/> CLOSED | |
| <input checked="" type="checkbox"/> AIGINV | HQ | PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | | | |
| <input checked="" type="checkbox"/> Component | FBI | Date of Previous Report: | | | |
| <input type="checkbox"/> USA | | | | | |
| <input type="checkbox"/> Other | | | | | |

SYNOPSIS

This investigation was initiated based on information received from the FBI Internal Investigations Section, Inspection Division that [REDACTED] in West Palm Beach, Florida, is closely associated with an unknown FBI agent assigned to the Palm Beach Resident Agency. The FBI received the information on December 5, 2007, from a cooperating source (CS), with proven reliability, documented under FBI CS number [REDACTED]. According to the CS, [REDACTED] was involved in an FBI criminal investigation involving [REDACTED]. The CS reported that [REDACTED] laundered \$50,000 for [REDACTED] through [REDACTED] jewelry business. The CS said that [REDACTED] told him the unidentified FBI agent disclosed to [REDACTED] that [REDACTED] was under investigation and warned [REDACTED] to avoid [REDACTED]. According to the CS, [REDACTED] also told him that [REDACTED] amended his tax return, as a result of the disclosure, to include the \$50,000 he had laundered through [REDACTED] business. The CS said that according to [REDACTED] the unidentified FBI agent worked for [REDACTED] "on the side" in an unspecified capacity, and that the agent would be attending the grand opening of [REDACTED] new Provident Jewelers store in Jupiter, Florida, on December 6, 2007. [REDACTED] told the CS that he had been subpoenaed by a law enforcement agency for documents and the unidentified FBI agent had spoken to the FBI case agent on [REDACTED] behalf.

The Office of Inspector General (OIG) interviewed the CS with agents from the FBI. The CS confirmed the information provided in the predicated material was accurate. The CS added that the disclosure by the unidentified FBI agent to [REDACTED] occurred approximately 8 months prior to [REDACTED] turning himself in to authorities for tax evasion. The CS explained the unidentified FBI agent worked security for [REDACTED] jewelry shows; had a conversation with [REDACTED] via the telephone prior to the grand opening of the Provident Jewelry store in Jupiter, Florida; was involved with the arrest of members of a Colombian jewelry theft ring; and would likely be at the February 2008 jewelry show at the Palm Beach Convention Center. The CS said [REDACTED] described the unidentified FBI agent as a "seasoned agent" who [REDACTED] has known for "awhile."

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|-------------------------------------|-----------|------------|
| DATE August 4, 2009 | SIGNATURE | [REDACTED] |
| PREPARED BY SPECIAL AGENT | | |
| DATE 8-4-09 | SIGNATURE | |
| APPROVED BY SPECIAL AGENT IN CHARGE | | |

Based on information provided by the FBI (b)(6) investigation case agent, (b)(6) (b)(7)c, in conjunction with information provided by (b)(6) (b)(7)c, the OIG identified [REDACTED] as the likely person [REDACTED] was referring to when discussing the unidentified FBI agent with the CS. [REDACTED] informed the OIG that [REDACTED] had worked on the [REDACTED] case and was involved in security work for [REDACTED]. [REDACTED] noted, however, that [REDACTED] never tried to influence him in any way regarding [REDACTED] was interviewed and acknowledged working security for jewelry and antique shows for the Palm Beach Show Group, owned by [REDACTED] [REDACTED] for several years. He also acknowledged that prior to working security for [REDACTED] in December 2007 and in February 2008, he was aware of criminal investigations involving [REDACTED] however, denied advising [REDACTED] to avoid [REDACTED] because [REDACTED] was under investigation or disclosing any sensitive law enforcement information to [REDACTED].

[REDACTED] declined to take a polygraph examination concerning his denial that he advised [REDACTED] to stay away from [REDACTED] or provided [REDACTED] with any law enforcement information as alluded to by [REDACTED] to the FBI CS. The OIG did not interview [REDACTED] out of concern that the CS's identity would be disclosed. Consequently, this investigation did not develop sufficient evidence to either corroborate or refute the allegation that [REDACTED] had warned [REDACTED] to avoid [REDACTED] because [REDACTED] was under investigation by the FBI or that he tried to influence the investigation of [REDACTED] in any way. Based on the investigation, however, the OIG did find that [REDACTED] exhibited poor judgment and exposed himself to a conflict of interest by continuing to work for [REDACTED] while being associated with an FBI investigation into criminal activity involving [REDACTED].

Deputy Chief of the Criminal Division, [REDACTED] from the U.S. Attorney's Office in the Southern District of Florida, declined prosecution due to the lack of evidence pertaining to the alleged disclosure of law enforcement sensitive information.

The OIG has completed its investigation and is providing this report to the FBI for its review and appropriate action.

DETAILS OF INVESTIGATION

Predication

This investigation was initiated based on information received from the FBI Internal Investigations Section, Inspection Division that [REDACTED] in West Palm Beach, Florida, is closely associated with an unknown FBI agent assigned to the Palm Beach Resident Agency. The FBI received the information from a veteran cooperating source (CS), with proven reliability, documented under FBI CS number [REDACTED]. According to the CS, [REDACTED] was implicated in an FBI criminal investigation involving [REDACTED]. The CS reported that [REDACTED] laundered \$50,000 for [REDACTED] through [REDACTED] jewelry business. The CS said [REDACTED] told him that the unidentified FBI agent disclosed to [REDACTED] that [REDACTED] was under investigation and warned [REDACTED] to avoid [REDACTED]. According to the CS, [REDACTED] told him that [REDACTED] amended his tax return, as a result of the disclosure, to include the \$50,000 he had hidden through [REDACTED] business. The CS stated that [REDACTED] said the FBI agent worked for [REDACTED] "on the side" in an unspecified capacity, and that [REDACTED] paid the unidentified agent in the past for work performed. [REDACTED] told the CS he had been subpoenaed by a law enforcement agency for documents and the unidentified FBI agent has spoken to the FBI case agent on [REDACTED] behalf.

Investigative Process

The OIG investigation consisted of the following:

- interview of the FBI confidential source [REDACTED]
- interview of FBI [REDACTED]
- interview of [REDACTED]
- interview of the [REDACTED] and
- interview of FBI [REDACTED]

Disclosure of Sensitive Law Enforcement Information

Relationship between the CS and [REDACTED]

The CS was interviewed by the OIG and FBI and confirmed the information provided in the predicated information was accurate. He added that he met [REDACTED] approximately 10 years ago through the jewelry trade. The CS said he and [REDACTED] became friends and that [REDACTED] trusted him. According to the CS, he read a news article that detailed allegations about [REDACTED] being involved with hiding \$50,000 through one of [REDACTED] jewelry stores. The CS said during one meeting, [REDACTED] told him that an unidentified FBI agent warned him to avoid [REDACTED] approximately 8 months prior to [REDACTED] turning himself into authorities. According to the CS, [REDACTED] said the unidentified FBI agent worked security "on the side" for [REDACTED] jewelry shows. The CS said [REDACTED] described the unidentified agent as a "seasoned agent" who [REDACTED] has known for

"awhile." The CS said [REDACTED] told him that [REDACTED] hired the unidentified FBI agent to perform security at a jewelry show partly because the unidentified FBI agent worked a jewelry theft ring involving Colombians and made an arrest prior to a jewelry show (unknown timeframe). According to the CS, [REDACTED] mentioned he was under investigation by the FBI and the Internal Revenue Service (IRS), and [REDACTED] records were subpoenaed in approximately June of 2007. The CS said [REDACTED] was served with additional subpoenas during October of 2007. The CS provided the OIG with [REDACTED] cell phone number and indicated that [REDACTED] had a telephone conversation with the unidentified FBI agent during the week of November 26, 2007.

Unidentified FBI Agent Identified as [REDACTED]

The OIG interviewed FBI [REDACTED] who told the OIG that [REDACTED] is also a jeweler who has known [REDACTED] one of the three owners of the Palm Beach Jewelry Show, for several years. [REDACTED] told [REDACTED] he provided security at different times for jewelry shows through his employer, the Palm Beach County Sheriff's Office (PBSO). [REDACTED] stated [REDACTED] father was close friends with [REDACTED] as well. According to [REDACTED] told him he was aware of possible unethical business practices used by [REDACTED] stated that [REDACTED] told him that [REDACTED] was possibly involved in a jewelry pawn scam that was taking place in West Palm Beach, Florida.

[REDACTED] one of the business owners of the Palm Beach Jewelry Show, along with [REDACTED] told the OIG he has known [REDACTED] for 10 years and that [REDACTED] worked for the PBSO. [REDACTED] said in 2004 he was looking for someone to head his security for the Palm Beach Antique and Jewelry show and hired [REDACTED] [REDACTED] stated that he and [REDACTED] are stockholders of the Palm Beach Show Group. He said [REDACTED] knew [REDACTED] was a sheriff's deputy because of [REDACTED] role as head of security at the jewelry shows. [REDACTED] believed [REDACTED] had [REDACTED] work security for a party or show for him sometime around the end of 2007 and again in the beginning of 2008, but [REDACTED] was not involved in that process.

During an interview, [REDACTED] confirmed to the OIG he is also a jeweler and was hired by [REDACTED] business partner, [REDACTED], to work security at jewelry shows beginning in 2004. He said he met [REDACTED] through [REDACTED], both of whom are co-sponsors of the annual Jewelry and Antique Show in West Palm Beach. According to [REDACTED], he has known [REDACTED] for years through his close friendship with [REDACTED] [REDACTED] said he was telephonically contacted by [REDACTED] around December 2007 and asked to work security for the grand opening of [REDACTED] new store, Provident Jewelers, located in Jupiter, Florida, which he did. [REDACTED] said he spoke with [REDACTED] via the telephone or handheld radio during the course of the jewelry show to ensure the security of the show. [REDACTED] said he was paid by [REDACTED] for the security work he performed. He could not recall if [REDACTED] stated that he wanted to hire [REDACTED] based on his knowledge of a recent arrest of individuals involved in a Colombian jewelry theft ring that was handled by [REDACTED]. [REDACTED] stated he was involved with the arrest of members of a Colombian theft ring around April 2007. He denied he ever socialized with [REDACTED] said he has worked security for the Palm Beach Jewelry Shows which are held over the President's holiday weekend. He also worked security at the Palm Beach Jewelry, Art and Antique Show which was held in February 2008.

Based on the foregoing, the OIG identified [REDACTED] as the likely person [REDACTED] was referring to when

discussing the unidentified FBI agent with the CS.

██████ Involvement in the ██████ Investigation

██████ was interviewed concerning the ██████ public corruption investigation that resulted in ██████ serving a 10-month sentence for tax evasion. The FBI first developed information regarding ██████ during the investigation of ██████. ██████ was the undercover agent in the investigation of ██████.

██████ said once the ██████ investigation became public knowledge, a newspaper article appeared on June 29, 2006, that mentioned a state grand jury probe concerning a "pay to play" investigation. According to ██████ the article mentioned property sales involving ██████. ██████ said ██████ turned himself in to the FBI on July 7, 2006, and confessed, among other things, to his involvement in attempting to hide the \$50,000 in ██████ business to avoid paying income taxes.

When ██████ met with the FBI on July 7, 2006, ██████ said he learned from ██████ that he instructed ██████ to pay his back taxes. ██████ said the FBI had not actively investigated ██████ until July 7, 2006, when ██████ first met with the FBI. ██████ stated he believed that ██████ surrendered to the FBI due to pressure he felt from the news articles and not because someone had told he was under investigation. ██████ explained it was during the initial meeting on July 7, 2006, that ██████ confessed to tax evasion and agreed to cooperate with the FBI. He was willing to cooperate in the investigation of ██████ but he did not want ██████ to be charged or investigated for his involvement with ██████ tax evasion.

██████ said he and ██████ met again on October 24, 2006. ██████ stated at one point during the meeting with ██████ ██████ was brought in to discuss issues regarding narcotics and the nightclubs in West Palm Beach. ██████ explained ██████ was not part of any discussion that took place at the initial meeting concerning ██████ tax evasion case. Several days before the meeting, ██████ said he provided ██████ with background information concerning ██████ confession. ██████ said he followed leads in the ██████ investigation that caused him to serve a subpoena on ██████ for business documents. ██████ stated he may have told ██████ about ██████ being served with a subpoena but could not specifically recall because the purpose of ██████ presence at the meeting with ██████ was to determine what information ██████ had about local narcotics trafficking.

██████ corroborated the information provided by ██████. ██████ said he was introduced to ██████ after ██████ began cooperating with the FBI in 2006. ██████ said he met with ██████ at ██████ request to determine whether ██████ could provide information regarding West Palm Beach storefront owners. According to ██████ he believed ██████ was involved in drug smuggling or child pornography based on previous investigations he worked in which ██████ had peripheral involvement. ██████ said that it was after ██████ confessed to the FBI that ██████ learned ██████ laundered \$50,000 through ██████ business, Provident Jewelers.

When interviewed by the OIG, ██████ denied that ██████ told him that ██████ was under investigation. ██████

said news articles had been published that exposed his credit card debt and the fact that he maintained a real estate license while holding a position as a city commissioner. Feeling pressured by newspaper articles accusing him of illicit activity as well as the rumors that all local public officials were under investigation for public corruption, ██████ said he sought advice from his attorney who suggested he surrender to the FBI. ██████ said he turned himself in to the FBI during June or July of 2006 and confessed to hiding \$50,000 through ██████ jewelry business in order to avoid paying taxes.

██████ did say that around the same time he confessed to the FBI, ██████ commented to him, "I shouldn't be doing business with you... and I shouldn't be around you." ██████ said he did not ask ██████ what he meant by the comments.

██████ said he and ██████ were friends and had other ongoing investment ventures. ██████ believed ██████ was trying to create distance from him, but ██████ never indicated his reasons for doing so. Thereafter, ██████ said he never discussed with ██████ how he helped ██████ launder money through ██████ jewelry store, although ██████ and ██████ continued to maintain regular contact. ██████ stated he did not want ██████ to know ██████ had admitted to the FBI that he was evading his taxes when he laundered the money through ██████ jewelry store.

██████ stated that ██████ declined to submit to a polygraph examination concerning information he provided to the OIG. Additionally, ██████ said he could not validate whether or not he advised ██████ to amend his tax return and turn himself in to the FBI due to the attorney-client privilege. Court records revealed ██████ amended his 2004 tax return, including the laundered \$50,000.

██████ said during his investigation, he worked with ██████ stated he was introduced to ██████ by ██████ as an undercover agent who wanted information on some storefront businesses in the local area. ██████ said that he made one or two consensual monitored telephone calls for ██████ but nothing came to fruition.

██████ Employment with ██████

██████ the owner of the Palm Beach Show Group, said he has known ██████ for 10 years. According to ██████ ██████ had been running the security for the Palm Beach Jewelry Shows since 2004. While he suspected ██████ performed some security work for ██████ ██████ did not know if ██████ worked for any other jewelers, nor had ██████ ever provided ██████ contact information to anyone, including ██████, for the purpose of conducting security work.

██████ said it was well known among the law enforcement community that ██████ and other local sheriff's deputies worked security for the jewelry shows. ██████ said no one from within the FBI Palm Beach Resident Agency, including ██████, contacted him in order to put in a "good word" for ██████

██████ told the OIG he, along with other deputies from the PBSO, worked security at the local jewelry shows. ██████ explained that for the last several years he had been hired by ██████

partner, to work security for the jewelry and antique shows which were co-sponsored by ██████████ said his contact occurred primarily with ██████████. However, ██████████ said that ██████████ telephonically contacted him in December of 2007 to work security for ██████████ new jewelry store, Provident Jewelers located in Jupiter, Florida. ██████████ said he and other deputies worked that event, and ██████████ paid him for the security work performed at the Jupiter store opening. ██████████ said he also worked security for the Palm Beach Jewelry Show in February 2008.

██████████ denied ever disclosing sensitive law enforcement information to ██████████ or anyone else. ██████████ said he never had a discussion with ██████████ about ██████████ or about ██████████ work as a law enforcement officer. He said ██████████ never asked ██████████ for information or assistance relating to any investigation.

██████████ Use of Poor Judgment

██████████ said after ██████████ turned himself into the FBI in 2006 (██████████ could not recall in which month), he found out that ██████████ had laundered money through ██████████ jewelry store. ██████████ admitted that sometime after June 2006, and before February 2008, he became aware that another agency was conducting an investigation or inquiry involving ██████████ but was not sure if the investigation or inquiry involving ██████████ was criminal or civil. ██████████ said he was not authorized to comment about how he knew of the investigation or inquiry involving ██████████ although the OIG was aware from other sources that the IRS was conducting an investigation.

██████████ explained that he worked security for ██████████ at the grand opening of ██████████ store, Provident Jewelers in December 2007, and the Palm Beach Jewelry, Art and Antique Show in February 2008. ██████████ said ██████████ contacted him directly for his services and was his point of contact for the grand opening of the Provident Jewelry store. According to ██████████ sometime in 2006, he read a news article concerning local public corruption that mentioned the Palm Beach Jewelry, Art and Antique Show. After reading the article, ██████████ said he immediately telephoned ██████████ and said that he performed security work for ██████████ who is one of the partners of the Palm Beach Jewelry Group. During a follow-up interview with ██████████ added that ██████████ told him there was no conflict and not to be concerned with working for ██████████ or the Palm Beach Show Group because ██████████ was not a target of the FBI investigation.

During his initial interview, ██████████ said ██████████ told him he worked for ██████████. However, ██████████ did not mention that he told ██████████ there was no conflict with ██████████ working for ██████████ because ██████████ was not a target of an FBI investigation. ██████████ said during a follow-up interview that he received a telephone call from ██████████ after ██████████ read an article in the newspaper that mentioned the Palm Beach Jewelry Art, and Antique Show. According to ██████████ he told ██████████ not to be concerned about working for ██████████ because ██████████ understanding from the U.S. Attorney's Office was that ██████████ was not a target of the investigation or going to become a target of the investigation.

██████████ told the OIG he could not recall if he informed anyone at the FBI or PBSO prior to working security at the grand opening of Provident Jewelers in December 2007. ██████████ believed he notified either a colleague or a supervisor and informed them that he would be working security at the Palm Beach Jewelry, Art and Antique

Show in February 2008. [REDACTED] said other than the time he told [REDACTED] that he worked for the Palm Beach Jewelry, Art and Antique Show in 2006, he could not recall if he had other conversations with [REDACTED] about the same subject matter. [REDACTED] said he asked [REDACTED] to notify him if [REDACTED] was ever charged with a crime, at which time [REDACTED] would terminate his work agreement with Samuels.

[REDACTED] Declined Polygraph Examination

Initially, [REDACTED] agreed to take a polygraph examination with the understanding that the parameters of the examination would be limited to whether or not he leaked sensitive law enforcement information to [REDACTED]. [REDACTED] however, subsequently declined to take the polygraph examination concerning the alleged leak of information.

[REDACTED] Not Interviewed

The OIG did not interview [REDACTED] out of concern that the identity of the FBI's CS would be compromised.

Declination of Criminal Prosecution

Deputy Chief of the Criminal Division, [REDACTED], from the U.S. Attorney's Office in the Southern District of Florida, declined prosecution due to the lack of evidence pertaining to the alleged disclosure of law enforcement sensitive information.

OIG Findings:

The OIG investigation determined that [REDACTED] is the likely unidentified FBI agent referred to by [REDACTED] in the reported conversation between the CS and [REDACTED] because of [REDACTED] own admissions that:

- He has known [REDACTED] since 2004.
- He started working security for the Palm Beach Show Group owned partly by [REDACTED] in 2004.
- He worked security at the grand opening of [REDACTED] Provident Jewelers store in Jupiter, Florida in December 2007.
- He was telephonically contacted by [REDACTED] a few days prior to the opening of Provident Jewelers in December 2007.
- He was involved with the arrest of members of a Colombian jewelry theft ring around April 2007.
- He worked security during the February 2008 Palm Beach Jewelry, Art and Antique Show held at that Palm Beach Convention Center.

[REDACTED] acknowledged that prior to working security for [REDACTED] in December 2007 and in February 2008, he was aware of criminal investigations involving [REDACTED]. He, however, denied advising [REDACTED] to avoid [REDACTED] because [REDACTED] was under investigation or disclosing any sensitive law enforcement information to [REDACTED].

██████ declined to take a polygraph examination concerning his denials that he advised ██████ to stay away from ██████ or provided ██████ with any law enforcement information as alluded to by ██████ to the FBI CS. The OIG did not interview ██████ out of concern that the CS's identity would be disclosed. Consequently, this investigation did not develop sufficient evidence to either corroborate or refute the allegation that ██████ had warned ██████ to avoid ██████ because ██████ was under investigation by the FBI or that he tried to influence the investigation of ██████ in any way. Based on the investigation, however, the OIG did find that ██████ exhibited poor judgment and exposed himself to a conflict of interest by continuing to work for ██████ while being associated with an FBI investigation into criminal activity involving ██████

Deputy Chief of the Criminal Division, ██████, from the U.S. Attorney's Office in the Southern District of Florida, declined prosecution due to the lack of evidence pertaining to the alleged disclosure of law enforcement sensitive information.

The OIG has completed its investigation and is providing this report to FBI for its review and appropriate action.

ABBREVIATED REPORT OF INVESTIGATION

| | | |
|--|--|---|
| SUBJECT [REDACTED] Federal Bureau of Investigation Laredo, Texas | | CASE NUMBER 2008001049 |
| OFFICE CONDUCTING INVESTIGATION Dallas Field Office | | DOJ COMPONENT Federal Bureau of Investigation |
| DISTRIBUTION <input checked="" type="checkbox"/> Field Office DFO <input checked="" type="checkbox"/> AIGINV <input checked="" type="checkbox"/> Component FBI <input type="checkbox"/> USA <input checked="" type="checkbox"/> Other ED OIG | STATUS <input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Date of Previous Report: | |

SYNOPSIS

This investigation was initiated when [REDACTED] Department of Education Office of Inspector General (ED OIG), reported that [REDACTED] possessed an ED OIG-301 Form (Memorandum of Interview) (MOI) pertaining to her client [REDACTED] Superintendent of the Laredo (Texas) Independent School District (LISD). [REDACTED] the subject of a joint ED OIG and Federal Bureau of Investigation (FBI) public corruption bribery investigation, is represented by [REDACTED] a former Southern District of Texas (Laredo), Assistant U.S. Attorney. [REDACTED] learned of this unauthorized MOI disclosure after ED OIG Special Agent [REDACTED] reported a potential breach of policy regarding personal identifiable information (PII), based upon [REDACTED] possessing this document.

[REDACTED] told the Office of the Inspector General (OIG) that she and [REDACTED] were case agents jointly investigating [REDACTED] for public corruption and that the disclosed MOI related to their case. During a November 20, 2007, telephone conversation between [REDACTED] recapped for [REDACTED] an informal luncheon meeting she had with [REDACTED]. When [REDACTED] verbally described for [REDACTED] a document shown to her by [REDACTED] description caused [REDACTED] to believe the described document was an MOI she wrote that possibly contained PII. During the course of their joint investigation, [REDACTED] had composed and provided copies of approximately 12 MOIs to [REDACTED] concluded her OIG interview by stating she did not believe [REDACTED] would provide [REDACTED] with ED OIG MOIs.

During her initial OIG interview on December 11, 2007, [REDACTED] reported the following information concerning the FBI investigation and the MOI that was reportedly prepared by [REDACTED]

| | |
|--|----------------------|
| DATE November 3, 2008 | SIGNATURE [REDACTED] |
| PREPARED BY SPECIAL AGENT [REDACTED] | |
| DATE November 3, 2008 | SIGNATURE [REDACTED] |
| APPROVED BY SPECIAL AGENT IN CHARGE [REDACTED] | |

- On November 16, 2007, at the request of [REDACTED] and other agents joined Southern District of Texas, Assistant U.S. Attorney [REDACTED] for a luncheon meeting in Laredo.
- [REDACTED] informed the group that she represented [REDACTED]
- [REDACTED] asked and [REDACTED] responded that she was investigating [REDACTED] explained to the OIG that [REDACTED] knew she was under FBI investigation, and [REDACTED] hoped to gain [REDACTED] cooperation.)

As the meeting group dispersed, [REDACTED] met privately with [REDACTED] to discuss a possible FBI "leak" and showed her a redacted document, the text of which [REDACTED] recognized as [REDACTED] October 17, 2006, MOI, detailing [REDACTED] interview of multiple Texas Education Agency members.

[REDACTED] examined the five-page MOI and determined that all PII-related information was redacted. A sixth page, possibly a cover page, was blank except for [REDACTED] and the telephone number [REDACTED] acknowledged that these two notations were her handwriting. [REDACTED] explained that she normally writes her name and telephone contact information on pieces of paper rather than providing business cards. [REDACTED] had no information as to how [REDACTED] acquired this MOI.

[REDACTED] told the OIG that [REDACTED] was aware of being investigated by the FBI. For her client's benefit, [REDACTED] had arranged the November 16, 2007, luncheon "to plead [REDACTED] innocence" and offer [REDACTED] assistance with other public corruption investigations. [REDACTED] acknowledged receiving from [REDACTED] the redacted MOI and showing it to [REDACTED]. While declining to provide more details to the OIG, [REDACTED] also offered the OIG [REDACTED] assistance, provided the FBI did not pursue bribery charges against [REDACTED] would not allow an OIG interview of [REDACTED].

[REDACTED] eventually recused herself, and her law partner attorney [REDACTED] represented [REDACTED] during an OIG interview. [REDACTED] told the OIG that around April 2007, Internal Auditor [REDACTED] was removed from her office, reassigned to another LISD position, and ultimately released by the LISD. Subsequently, LISD Human Resources Director [REDACTED] provided [REDACTED] a copy of the MOI and told [REDACTED] he found it in [REDACTED] former LISD office. [REDACTED] provided a copy of [REDACTED] covered, five-page MOI in question, and an OIG review determined:

- Page one, which appears to be an informal facsimile cover, is blank except for two handwritten notations, "[REDACTED]" and [REDACTED] cellular telephone number, [REDACTED]
- All MOI pages, including the cover, are numbered, "1" through "6," with each number handwritten and circled in the upper right corner of each page.
- The facsimile machine sender information printed on the MOI indicates it was transmitted from the Laredo FBI Resident Agency, (956) 717-6465, on December 7, 2006.
- When compared with [REDACTED] original MOI, all PII was redacted on this MOI copy.

In his interview with the OIG, [REDACTED] said that around April/May 2007 when [REDACTED] was removed from her position and reassigned, he obtained her office keys, changed her office door locks, and discovered the MOI a few weeks later. While searching [REDACTED] former office, [REDACTED] found a multipage document with "FBI" on it, and he recalled it summarized an interview of Texas Education Agency employees. [REDACTED] made a copy, returned the original to the file, and provided the copy to [REDACTED].

On September 23, 2008, when the OIG re-interviewed [REDACTED] she identified the MOI and, in an affidavit statement, acknowledged that [REDACTED] assisted her investigation of [REDACTED]. After reviewing the redacted MOI that [REDACTED] found in [REDACTED] office, [REDACTED] recognized the text as a portion of the MOI that [REDACTED] provided her around October 2006. [REDACTED] denied providing this redacted MOI to [REDACTED] but acknowledged the [REDACTED] and the "[REDACTED]" cellular telephone number recorded on page one, the facsimile cover, as her information and handwriting.

In her OIG interview, [REDACTED] reported that during [REDACTED] investigation, she frequently met with [REDACTED] to provide insight into LISD operations. [REDACTED] did not remember [REDACTED] showing or providing her documents related to [REDACTED] investigation. After reviewing [REDACTED] redacted MOI that [REDACTED] found in her office, [REDACTED] had no recollection of seeing it before but recognized her handwritten notes on the document.

During her OIG follow-up interview on October 3, 2008, [REDACTED] concluded that she faxed a redacted version of [REDACTED] MOI to [REDACTED], and she provided the OIG an affidavit acknowledging same. [REDACTED] said she did not remember providing [REDACTED] the MOI and, during all OIG interviews, had provided truthful and candid information.

However, between the time of her September 23 and October 3, 2008, interviews, [REDACTED] reviewed her personal and professional records as well as [REDACTED] Laredo travel schedule in an effort to recall her activities on December 7, 2006, which is the same date the MOI was faxed to [REDACTED]. Based upon this review, [REDACTED] could not rule out faxing the MOI to [REDACTED]. [REDACTED] also retrieved a "clean" copy of [REDACTED]'s MOI from the FBI case file and determined it contained FBI Laredo Supervisory Senior Resident Agent [REDACTED] handwritten initials and the date, December 8, 2006. [REDACTED] reported that [REDACTED] normally initials documents prior to their placement in the FBI case file; thus, she likely possessed the MOI on December 7, 2006. Based upon the fact that [REDACTED] recognized her handwriting on the fax cover sheet and that [REDACTED] was a cooperating witness, [REDACTED] speculated that she provided [REDACTED] the MOI for review so that [REDACTED] could better assist the FBI with the [REDACTED] investigation.

The OIG has completed its investigation and is providing this report to the Department of Education and to the FBI for its review.

ABBREVIATED REPORT OF INVESTIGATION

SUBJECT

CASE NUMBER

2008-001036

Federal Bureau of Investigation
Phoenix, Arizona

OFFICE CONDUCTING INVESTIGATION
Tucson Area Office

DOJ COMPONENT
Federal Bureau of Investigation

DISTRIBUTION

☒ Field Office DNPO
☒ AIGINV HQ
☒ Component FBI
☐ USA
☐ Other

STATUS

☐ OPEN ☐ OPEN PENDING PROSECUTION ☒ CLOSED

PREVIOUS REPORT SUBMITTED: ☐ YES ☒ NO

Date of Previous Report:

SYNOPSIS

This investigation was predicated on an allegation that Special Agent [REDACTED] may have released to [REDACTED] information about the status of a Federal Bureau of Investigation (FBI) investigation regarding developer [REDACTED] allegedly gave that information to his former co-worker, [REDACTED], who then gave it to her neighbor, [REDACTED] intended to use that information to discredit her husband, [REDACTED], during their divorce proceeding.

The Office of the Inspector General (OIG) investigation learned that in 2007, [REDACTED] had reported to M&I Bank Security Director [REDACTED] information he had regarding [REDACTED] alleged fraudulent banking activities. Based on the information that [REDACTED] provided, [REDACTED] conducted an internal M&I Bank investigation. [REDACTED] provided FBI Special Agent [REDACTED] with [REDACTED] initial information and periodically updated [REDACTED] on the status of her M&I internal investigation. In August 2007, without [REDACTED] knowledge or consent, [REDACTED] informed a divorce court that [REDACTED] should not be permitted to testify as a character witness for [REDACTED]. [REDACTED] explained that he was helping [REDACTED] and the FBI conduct a criminal investigation of [REDACTED] that concerned [REDACTED] fraudulent banking activities. At that time, the FBI had not opened an investigation regarding [REDACTED].

[REDACTED] described a telephone call from M&I Bank employee [REDACTED] in which [REDACTED] explained to [REDACTED] that she was [REDACTED] neighbor. [REDACTED] had informed [REDACTED] of [REDACTED] motion to the divorce court and asked [REDACTED] to do a background investigation of [REDACTED]. [REDACTED] reportedly said she previously worked for [REDACTED] and that they both knew [REDACTED], whom [REDACTED] mentioned, was an FBI

DATE August 29, 2008

SIGNATURE

PREPARED BY SPECIAL AGENT

DATE September 4, 2008

SIGNATURE

APPROVED BY SPECIAL AGENT IN CHARGE

agent. [REDACTED] asked if [REDACTED] was investigating [REDACTED] [REDACTED] responded that there was no investigation of [REDACTED].

According to [REDACTED] said she intended to tell [REDACTED] that [REDACTED] had lied in his motion to the court. [REDACTED] described a telephone call from [REDACTED] in which [REDACTED] asked [REDACTED] if she was investigating [REDACTED] [REDACTED] responded that she could not confirm nor deny that an investigation was taking place. [REDACTED] provided [REDACTED] with [REDACTED] telephone number. [REDACTED] also described a telephone conversation with [REDACTED] in which she informed [REDACTED] that she was investigating [REDACTED] and his illegal banking activities. [REDACTED] explained to [REDACTED] that she had briefed [REDACTED] regarding the [REDACTED] investigation and that [REDACTED] should contact [REDACTED] if he had any questions.

[REDACTED] then told [REDACTED] some of Aires's information. [REDACTED] said:

- [REDACTED] was going through a divorce, and [REDACTED] intended to call [REDACTED] as a character witness.
- [REDACTED] informed the divorce court that [REDACTED] was the subject of an FBI investigation and that, therefore, [REDACTED] should be excluded from testifying for [REDACTED]
- [REDACTED] spoke with [REDACTED] about [REDACTED] motion to the court.
- [REDACTED] was a mortgage lender at M&I Bank, and she previously worked for [REDACTED]
- [REDACTED] told [REDACTED] about assisting [REDACTED] by conducting a background check on [REDACTED]
- [REDACTED] knew [REDACTED]
- [REDACTED] knew that there was no FBI investigation of [REDACTED]

[REDACTED] said she was led to believe that [REDACTED] had conducted some type of query of the FBI database system and that he then determined that there was no FBI investigation of [REDACTED] [REDACTED] had explained the above information as if each event were dependent on the proceeding event. [REDACTED] had linked each event in a sequence and, by doing so, presented it as if [REDACTED] informed [REDACTED] about the status of the investigation and that [REDACTED] then told [REDACTED]

Based on [REDACTED] presentation, [REDACTED] notified her supervisor, [REDACTED] of the possible disclosure of information from the FBI database system. According to [REDACTED] in presenting the sequence of events, [REDACTED] did not tell [REDACTED] the following:

- [REDACTED] actually told [REDACTED] that there was no FBI investigation.
- [REDACTED] spoke with [REDACTED] and that [REDACTED] gave her [REDACTED] name and telephone number.
- [REDACTED] spoke with [REDACTED], and she told him that he should contact [REDACTED] if he had any questions.

From database reviews and interview statements, the OIG found no evidence that [REDACTED] released any information regarding the status of an FBI investigation. [REDACTED] said that this matter was a misunderstanding based on the way that [REDACTED] presented her information. [REDACTED] advised that had [REDACTED] explained in full detail the events as described immediately above, [REDACTED] would not have reported the matter as a potential

misconduct issue. Had [REDACTED] been fully informed, she would have learned that [REDACTED] and not [REDACTED], told [REDACTED] that there was no FBI investigation.

This matter was referred to the United States Attorney's Office, District of Arizona, which declined criminal prosecutive interest because this investigation found that no violation of criminal law had occurred.

During an administrative interview with the OIG, [REDACTED] explained that [REDACTED] told him that [REDACTED] had hired [REDACTED] to investigate [REDACTED] for alleged child abuse. [REDACTED] said he was unaware of the M&I Bank investigation of [REDACTED] until [REDACTED] informed [REDACTED] of the matter. [REDACTED] said that he never accessed or conducted any queries to determine the status of the FBI's interest in the [REDACTED] investigation. [REDACTED] said he did not make an unauthorized release of any FBI information.

The OIG has completed its investigation and is referring this report to the FBI for its review.

ABBREVIATED REPORT OF INVESTIGATION

| | | |
|---|---|---|
| SUBJECT Unidentified Federal Bureau of Investigation Memphis, Tennessee | | CASE NUMBER 2008-000831 |
| OFFICE CONDUCTING INVESTIGATION Miami Field Office | | DOJ COMPONENT Federal Bureau of Investigation |
| DISTRIBUTION <input checked="" type="checkbox"/> Field Office MFO <input checked="" type="checkbox"/> AIGINV HQ <input checked="" type="checkbox"/> Component FBI <input type="checkbox"/> USA <input type="checkbox"/> Other | STATUS <input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Date of Previous Report: | |

SYNOPSIS

This investigation was initiated based on information from defendant [REDACTED] that on several occasions he observed two drug traffickers, [REDACTED] LNU (last name unknown), receive telephone calls from an unidentified female FBI employee. The unidentified female FBI employee allegedly advises [REDACTED] LNU about upcoming raids and whether an individual is the target of an FBI investigation. [REDACTED] further stated that approximately August 2007, he was present when the unidentified female FBI employee telephoned [REDACTED] LNU and said the FBI was investigating [REDACTED] LNU who conducts his narcotics business at a local tire shop. Memphis FBI verified they are conducting an investigation involving a local tire shop and the target of the investigation is [REDACTED] LNU. Additionally, [REDACTED] described the female FBI employee as non-Hispanic with a possible part-time job in the Millington, Tennessee area. Records maintained by the FBI indicate at least one FBI female employee, [REDACTED] and has authorization to work outside employment.

[REDACTED] was interviewed several times: twice by the Shelby County Sheriff's Office and twice by the Office of the Inspector General. Initially, he stated that he was affiliated with the Zeta Mexican Mafia Drug Cartel along with [REDACTED] LNU. [REDACTED] LNU told [REDACTED] that he received information from a female FBI employee regarding investigations by the FBI and that the female FBI employee lives in Millington, Tennessee. [REDACTED] told [REDACTED] he was shown a list by the female FBI employee that contained 130 names of individuals who were going to be arrested by the FBI. [REDACTED] shared the information with an individual known to [REDACTED] worked at a local tire shop and when [REDACTED] shared the information with him, [REDACTED] fled the area.

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|--|----------------------|
| DATE September 3, 2008 | SIGNATURE [REDACTED] |
| PREPARED BY SPECIAL AGENT [REDACTED] | |
| DATE SEPTEMBER 3, 2008 | SIGNATURE [REDACTED] |
| APPROVED BY SPECIAL AGENT IN CHARGE [REDACTED] | |

In his second interview with the OIG and Shelby County Sheriff's Office, [REDACTED] recanted statements he made during his previous interviews. [REDACTED] said it was [REDACTED] not [REDACTED] LNU, who told him about the female FBI employee. [REDACTED] said that he was scared to tell the truth about [REDACTED] because of [REDACTED] affiliation with the Mexican drug organization. [REDACTED] said he did not have any contact information for [REDACTED] and refused to provide an affidavit about the information he supplied.

[REDACTED] were both interviewed and denied receiving sensitive law enforcement information from a female FBI employee. They both denied having any knowledge of a female FBI employee who provided sensitive law enforcement information to anyone.

[REDACTED] was interviewed and stated no list existed, that he was aware of, during his drug investigation in the Memphis area that contained 130 names of drug traffickers. [REDACTED] believed his investigation targeted approximately 60 individuals. He stated erroneous information was contained in the predating material that was attributed to [REDACTED] stated [REDACTED] did not say the unidentified female FBI employee had outside employment. [REDACTED] said he spoke with his supervisor, [REDACTED] about [REDACTED] complaint. During their conversations, the two spoke of [REDACTED] who they were aware held a part-time job. [REDACTED] believed the information regarding [REDACTED] part-time employment was provided to the [REDACTED] who erroneously attributed the information in the predating material to [REDACTED]

[REDACTED] was interviewed and stated that he had conversations with [REDACTED] about the information received from [REDACTED] believed the information concerning the unidentified female FBI employee who lived in Millington and had part-time employment outside of the FBI originated from either [REDACTED] said either he or [REDACTED] conveyed the information to [REDACTED]

[REDACTED] was contacted regarding the predating material used to initiate the investigation. He stated that he was unable to identify who provided the descriptor "part-time" in relation to the allegation that an unidentified FBI employee leaked sensitive law enforcement information to unauthorized individuals.

[REDACTED] was interviewed by Shelby County Sheriff's [REDACTED] [REDACTED] stated he just returned from Mexico after fleeing Memphis, Tennessee in July 2007. During that time, [REDACTED] said he was informed by his cousin, [REDACTED] that the police were looking for him after [REDACTED] saw the police tow away [REDACTED]'s vehicle. [REDACTED] told [REDACTED] that he needed "to go south" and that if he needed money it would be provided to him. [REDACTED] said he had no knowledge of anyone leaking information at the FBI and refused to be interviewed by the OIG.

The son of [REDACTED] were identified as possible witnesses and were interviewed by the OIG. [REDACTED] stated they were told by an individual known to them as [REDACTED] that a female who obtained license plates for individuals was also able to obtain sensitive law enforcement information. [REDACTED] told [REDACTED] that the unidentified female told him about a pending arrest in the local Memphis area. [REDACTED] both said they had no knowledge of

the identity of the female. [REDACTED] said [REDACTED] real name is [REDACTED] and he now resides in Durango, Mexico.

[REDACTED] LNU was not identified. Attempts to locate him were discontinued after [REDACTED] admitted he lied when he said it was [REDACTED] LNU who provided him with the information about the unidentified female FBI employee.

The Enterprise Security Operation Center (ESOC) conducted record checks relating to [REDACTED] Automated Case Support system activity logs, Unet account, and BlackBerry phone call logs. No information was obtained that would substantiate the allegation. The ESOC results confirmed [REDACTED] knowledge of pending FBI arrests of local drug traffickers in July 2007 and of the investigation targeting [REDACTED] had authorized access to that information due to her position as an FBI Account Technician. No information was revealed that [REDACTED] contacted [REDACTED] or any other known local drug trafficker.

The ESOC report identified FBI [REDACTED] as having a home address in Millington, Tennessee, and revealed that she was aware of the arrest of [REDACTED] as a result of her position with the FBI. The ESOC report noted nothing of interest was recovered from the record checks involving [REDACTED]. As part of her duties, [REDACTED] worked asset forfeiture matters involving [REDACTED]. No information was revealed that [REDACTED] contacted [REDACTED] or any other known local drug trafficker.

Telephone Toll analysis was conducted for [REDACTED]. No information was obtained that would substantiate the allegation.

[REDACTED] were interviewed by the OIG because they were identified by FBI record checks as the only two female FBI employees having resided in Millington. Both admitted to previously living in Millington approximately 5 years ago but denied providing sensitive law enforcement information to any unauthorized individuals.

The investigation did not substantiate the allegation for the following reasons:

- [REDACTED] admitted to initially lying about the information he provided.
- Information provided by [REDACTED] during his subsequent interviews could not be corroborated.
- Record checks and toll analysis did not produce information to substantiate the allegation.

The OIG has completed its investigation and is providing this report to the FBI for its review.

REPORT OF INVESTIGATION

| | | |
|--|---|--|
| SUBJECT [REDACTED] Drug Enforcement Administration Imperial, California | | CASE NUMBER 2008000336 |
| OFFICE CONDUCTING INVESTIGATION Dallas Field Office | | DOJ COMPONENTS Drug Enforcement Administration |
| DISTRIBUTION <input checked="" type="checkbox"/> Field Office DFO <input checked="" type="checkbox"/> AIGINV <input checked="" type="checkbox"/> Component DEA <input type="checkbox"/> USA <input type="checkbox"/> Other | STATUS <input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Date of Previous Report: | |

SYNOPSIS

This investigation was based on information the Office of the Inspector General (OIG) received from the Federal Bureau of Investigation (FBI) concerning the compromise of a Title III wiretap by a Drug Enforcement Administration (DEA) confidential source (CS) after the CS's DEA handling agent had been informed of the ongoing Title III. On October 12, 2007, the FBI San Francisco Division reported that a subject, later identified as DEA CS (CS-90-055364) and a subject referred to as [REDACTED] subsequently identified as DEA Special Agent [REDACTED] were intercepted in telephone calls to [REDACTED] the target of an FBI drug investigation. The CS had been intercepted in conversations with [REDACTED] several times in late September 2007 and [REDACTED] was intercepted in a conversation with [REDACTED] on October 2, 2007.

The FBI reported that [REDACTED] was told on October 3, 2007, by FBI [REDACTED] of the existence of the Title III, that his call to [REDACTED] had been intercepted and that the Title III should be kept secret from CS90-055364. According to the FBI, on October 10, 2007, the CS was intercepted informing [REDACTED] in coded language that his cellular phone was being monitored and [REDACTED] discontinued using his cellular telephone that day.

[REDACTED] told the OIG that he was working with CS-90-055364 and had gotten [REDACTED] telephone number from the CS. He stated that he called [REDACTED] at the CS's suggestion to learn "street" ephedrine prices for an upcoming DEA initiative. [REDACTED] said that after learning of the intercept, he contacted either or both DEA special agents [REDACTED] about the CS's ability as an informant. He denied ever telling the CS about the existence of the Title III.

| | |
|--|---|
| DATE January 12, 2009 | SIGNATURE [REDACTED] |
| PREPARED BY SPECIAL AGENT [REDACTED] | |
| DATE January 12, 2009 | SIGNATURE <i>Wayne D. Beaman</i> |
| APPROVED BY SPECIAL AGENT IN CHARGE Wayne D. Beaman | |

The OIG learned from ██████████ that ██████████ had controlled the CS "for many years." ██████████ said ██████████ had contacted another DEA Special Agent (whose name he could not recall) to learn about the CS's involvement with ██████████. He said that ██████████ had "in so many words" admitted to ██████████ to telling the CS that law enforcement was aware of the CS's involvement in criminal activity.

In an OIG interview, the CS stated that ██████████ clearly had indicated that telephone conversations with ██████████ were being monitored by law enforcement. (According to the CS, ██████████ told the CS, "Your phone is fucked-up.") The CS said that ██████████ comment prompted the CS to call ██████████ and advise him not to use his telephone because it was being monitored by law enforcement. The CS said he did not think ██████████ intended to compromise the Title III, but to warn the CS to avoid criminal activity.

The OIG administered a polygraph examination to the CS regarding ██████████ alleged statement. The polygraph indicated that the CS was truthful.

When interviewed by the OIG, ██████████ said the CS told him to discontinue using his telephone because it was being monitored by law enforcement. According to ██████████ the CS told him the information came from the CS's boss, whom ██████████ knew to be a law enforcement official.

In his OIG interview, ██████████ denied intentionally telling the CS that his phone calls to ██████████ were being monitored. He also denied telling ██████████ that he informed the CS of law enforcement's knowledge of the CS's criminal activity. However, ██████████ did admit to contacting the CS after learning of the interception and that the CS was involved in ongoing criminal activity. ██████████ told the OIG he limited his discussion with the CS to drug-related activities and said his questioning of the CS possibly caused the CS to deduce the existence of the Title III. ██████████ declined to undergo an OIG polygraph examination.

Based upon the interviews of ██████████, the CS, and ██████████, the review of Title III transcripts; and the CS polygraph examination, the OIG concluded that ██████████ used poor judgment when he communicated with the CS after learning the CS was intercepted by an FBI Title III being involved in criminal activity. In addition, the OIG found that ██████████ informed the CS of the wiretap, either intentionally or otherwise, resulting in the discontinued use of the monitored phone. We also concluded that ██████████ was not candid with the OIG in his interviews.

The U.S. Attorney's Office, Northern District of California, declined prosecution of ██████████ in this matter in lieu of administrative remedies.

The OIG has completed its investigation and is providing this report to the DEA for its review and appropriate action.

DETAILS OF INVESTIGATION

Predication

This investigation was based on information of a Title III wiretap compromise report received by the OIG from the FBI on October 15, 2007. On October 12, 2007, the FBI San Francisco Division reported to FBI Inspection Division that a DEA informant, CS-90-055364, had been intercepted informing [REDACTED], the target of an FBI Title III of the existence of the Title III, seven days after the CS's DEA handling agent [REDACTED] was informed of the Title III and told to keep its existence secret from the CS. The FBI reported that [REDACTED] was informed of the Title III on October 3, 2007, by FBI [REDACTED] and that on October 10, 2007, the CS was intercepted informing [REDACTED] that law enforcement was monitoring [REDACTED] phone. [REDACTED] discontinued using his monitored telephone that day.

Investigative Process

This OIG investigation consisted of a document review of cellular telephone records; internal DEA and FBI electronic communications, including e-mail; and Title III transcripts, as well as interviews of DEA and FBI employees and civilians with knowledge of these allegations:

FBI San Francisco Division Employee

[REDACTED]

DEA San Francisco Division Employee

[REDACTED]

DEA Imperial County District Office Employees

[REDACTED]

DEA Juarez Resident Office Employee

[REDACTED]

Involved Civilians

[REDACTED]

The Title III Intercept

According to [REDACTED] in September 2007, the FBI San Francisco Division obtained a federal court authorization for a Title III interception of narcotics trafficker [REDACTED] cellular telephone. The Title III disclosed several late September 2007 telephone conversations between [REDACTED] and CS-90-055364 and an October 3, 2007, intercepted call from an individual identifying himself as [REDACTED] discussing ephedrine prices with [REDACTED] identified himself to [REDACTED] as a DEA employee and a friend of the CS (CS-90-055364). [REDACTED] notified San Francisco DEA Group Supervisor [REDACTED] of this intercept.

[REDACTED] both told the OIG that based upon the intercepted telephone conversation, they believed [REDACTED] was a DEA Special Agent debriefing a confidential source. [REDACTED] said he was concerned [REDACTED] investigative initiative could jeopardize the FBI's claimed justification for obtaining the court-approved Title III — that all investigative leads were exhausted. Using DEA's Narcotics and Dangerous Drugs Information System, [REDACTED] learned that the intercepted telephone number for CS-90-055364 was associated with the DEA Imperial County District Office.

Although unsure of the specific course of events because of a lack of written notes, [REDACTED] said they jointly telephoned Imperial County District Office Special Agent [REDACTED] on October 3, 2007. [REDACTED] informed them that the intercepted telephone number belonged to DEA CS-90-055364. [REDACTED] then contacted the DEA Headquarters Confidential Source coordinator who informed [REDACTED] that one of the CS's handlers was DEA Special Agent [REDACTED] who was assigned to the DEA Juarez Resident Office.

[REDACTED] stated, that together, they then telephoned [REDACTED] on October 3, 2007, and learned from him that the CS had recommended that [REDACTED] contact [REDACTED] to obtain information on ephedrine prices for a DEA Special Operations initiative. [REDACTED] told the OIG that they informed [REDACTED] that he and the CS were separately intercepted on their respective telephones by the FBI Title III during their individual telephone conversations with [REDACTED] both said they instructed [REDACTED] not to inform the CS about the existence of the Title III because of the likelihood the CS was involved in criminal activity.

An OIG review of the FBI's Title III transcripts showed that on October 10, 2007, the CS telephoned [REDACTED] and was intercepted informing [REDACTED] that "The walls have ears." [REDACTED] informed the OIG that subsequent to this call, [REDACTED] immediately stopped utilizing his monitored telephones.

The CS Learns of the Intercept

During his OIG interview, [REDACTED] acknowledged that [REDACTED] had told him that he was intercepted by the Title III while speaking with [REDACTED]. [REDACTED] stated that he contacted [REDACTED] after the CS had referred him to [REDACTED] because [REDACTED] had knowledge of ephedrine prices. [REDACTED] said he was gathering information on the street prices of ephedrine for an anticipated DEA Special Operations Division initiative

known as "Operation Illusion." [REDACTED] stated that after learning he was intercepted, he discussed the matter with his immediate supervisor, [REDACTED], who informed [REDACTED] that [REDACTED] CS was also being utilized by the DEA Imperial County District Office. Following his meeting with [REDACTED] said he sent either [REDACTED] an e-mail to determine who controlled the CS, if the CS was capable of producing quality cases, and if the CS was productive. [REDACTED] did not believe that either [REDACTED] told him the CS had been intercepted by the Title III. He also denied discussing the Title III intercept of the CS with either [REDACTED]

[REDACTED] told the OIG during his interview that he did not recall receiving a telephone call from [REDACTED] or [REDACTED] about the CS being intercepted by a Title III. [REDACTED] said that in October 2007, he believed he received an e-mail from a DEA Special Agent, whose name he could not recall, informing him that the CS's telephone number was queried through the Narcotics and Dangerous Drugs Information System. [REDACTED] said when he responded by e-mail to that person, he included [REDACTED] as a recipient, since he knew [REDACTED] was the CS's previous controlling agent for many years.

According to [REDACTED], around that same time, [REDACTED] told him he was planning to contact the unnamed DEA Special Agent to learn more about the CS's involvement with [REDACTED]. [REDACTED] told the OIG that he strongly counseled [REDACTED] not to contact the agent and not to become involved in the Title III investigation. Nonetheless, he said [REDACTED] contacted the unnamed DEA agent and later told [REDACTED] of learning from the agent that the CS was intercepted over the Title III while coordinating a narcotics shipment. [REDACTED] said [REDACTED] also told him that he contacted the CS and informed the CS that, "in so many words, law enforcement" was aware the CS was involved in criminal activity and he should knock it off.

Confirmation of the Confidential Source's Contact with [REDACTED]

The DEA Office of Professional Responsibility reviewed the CS's Confidential Source File and reported to the OIG that since 1990, the time the CS was registered as a source, to the present, the CS had always been considered credible and reliable. According to DEA OPR, during October 2007 the CS was co-controlled by Agents [REDACTED] as well as [REDACTED]

When interviewed by the OIG, the CS confirmed receiving a telephone call from [REDACTED] in October 2007. According to the CS, [REDACTED] asked questions about possible involvement in illegal activities and whether the CS was "doing anything wrong with ephedrine up North." The CS said [REDACTED] asked for the name of the CS's controlling DEA agent, and the CS told him the agent's name was "[REDACTED]." [REDACTED] then told the CS that he knew the CS was not lying and that, "Your phone is fucked-up!" The CS told the OIG that from this telephone conversation with [REDACTED], he was able to determine that either the CS's or [REDACTED] telephone was being monitored by "law enforcement." The CS said that based upon that conversation with [REDACTED] the CS told [REDACTED] to discontinue using his cellular telephone. (The FBI reported that on October 10, 2007, the CS called [REDACTED] and informed him, "The walls have ears," and [REDACTED] immediately discontinued using his cellular telephone.)

The CS agreed to undergo a polygraph examination regarding the reported content of the telephone conversation with [REDACTED]. Following an OIG polygraph examination, the examiner expressed the opinion that the CS was truthful concerning that telephone conversation.

Confirmation by [REDACTED]

In a sworn OIG affidavit, [REDACTED] confirmed that the CS told him that "law enforcement" was monitoring his telephone and that he should discontinue its use. [REDACTED] said that the CS told him that the CS's "boss," whom [REDACTED] understood to be a law enforcement official, had said that [REDACTED] telephone was being intercepted.

[REDACTED] Interview

During the OIG's compelled interview of [REDACTED] on April 15, 2008, [REDACTED] provided the OIG with a copy of two DEA e-mail messages relating to his contact with [REDACTED] about the CS. [REDACTED] produced this e-mail in an attempt to recall who told him the CS was intercepted on the FBI Title III. [REDACTED] also used this e-mail to help him remember which DEA agent he later spoke with when [REDACTED] and the unknown agent decided to contact the CS to "poke around" to determine if the CS was involved in any other DEA investigations.

One message dated October 4, 2007, from [REDACTED] to [REDACTED] and copied to [REDACTED] and one dated October 5, 2007, from [REDACTED] to [REDACTED]. In the October 4 message, [REDACTED] directs [REDACTED] to forward e-mails about the CS to him and informs [REDACTED] that the CS has told him he is working a case with [REDACTED]. He also tells [REDACTED] he should try to put the San Francisco people involved in the wire that intercepted the CS in touch with [REDACTED]. In the October 5 message, [REDACTED] acknowledges receiving [REDACTED] October 4 message and requests them to call him about the CS. (The OIG was unable to recover any other e-mails between these subjects for the time period in question.)

[REDACTED] then provided the OIG with his account of how he learned the CS was intercepted by an FBI Title III while discussing ephedrine and coordinating a narcotics shipment with [REDACTED]. During the April 15, 2008 interview, [REDACTED] said that he thought it was [REDACTED] who was the agent who informed him about the CS being intercepted on the Title III and asked him to contact the CS and "poke around." [REDACTED] said that at that [REDACTED] request, he contacted the CS and asked, "Are you doing anything, anything at all?" even though months earlier, according to [REDACTED] the CS had told him about working an ephedrine investigation out of DEA Headquarters. [REDACTED] denied asking the CS if he was "doing anything wrong up north with ephedrine," and he denied telling the CS, "Your phone is fucked-up!" He also denied telling [REDACTED] that he told the CS that law enforcement knew the CS was involved in criminal activity. [REDACTED] said he thought he simply told [REDACTED] that the CS was involved in criminal activity, resulting in [REDACTED] telling him not to get involved in the CS's activities.

On April 22, 2008, [REDACTED] telephoned the OIG to state that he wanted to correct his April 15, 2008 statement. [REDACTED] then stated that [REDACTED] was not the agent who informed him of the CS's FBI intercept, but it was a San Francisco DEA agent involved in the wire whose name he could not recall. The OIG found this claim to be in conflict with [REDACTED], who upon re-interview, affirmed that he was the only San Francisco DEA agent involved with the FBI Title III and [REDACTED] did not contact him.

[REDACTED] initially said he would agree to take an OIG polygraph examination but suggested that the CS be tested first. On August 11, 2008, after being told the CS passed an OIG polygraph examination, [REDACTED] declined the test.

OIG Findings

Based upon the interviews of the involved DEA personnel, the CS, and [REDACTED] affidavit; the review of Title III transcripts; and the CS's polygraph examination, the OIG concluded that [REDACTED] used poor judgment by communicating with the CS after learning the CS was intercepted by an FBI Title III and involved in criminal activity. In addition the OIG concluded that [REDACTED] either intentionally or otherwise informed the CS to the fact that his conversations with [REDACTED] were being monitored. This resulted in [REDACTED] termination of the telephone being monitored by the FBI. We reached these conclusions based upon [REDACTED] conflicting statements, the statements of [REDACTED] and the other DEA personnel involved, the CS statement bolstered by his polygraph examination, and the review of Title III transcripts. Based on this evidence, we also concluded that [REDACTED] was not candid when questioned by the OIG.

Declination of Prosecution

The results of this investigation were discussed with the U.S. Attorney's Office, Northern District of California, and prosecution was declined in lieu of administrative remedy.

The OIG has completed its investigation and providing this report to the DEA for its review and appropriate action.

ABBREVIATED REPORT OF INVESTIGATION

| | | | |
|--|--|--|--|
| SUBJECT [REDACTED] Van Nuys District Office Van Nuys, California | | CASE NUMBER 2008-000203 | |
| OFFICE CONDUCTING INVESTIGATION Los Angeles Field Office | | DOJ COMPONENT Bureau of Alcohol, Tobacco, Firearms and Explosives | |
| DISTRIBUTION | | STATUS | |
| <input checked="" type="checkbox"/> Field Office | | <input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED | |
| <input checked="" type="checkbox"/> AIGINV | | PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | |
| <input checked="" type="checkbox"/> Component | | Date of Previous Report: | |
| <input type="checkbox"/> AUSA | | | |
| <input type="checkbox"/> Other | | | |

SYNOPSIS

This investigation was initiated based upon agent misconduct allegations received from [REDACTED] a California inmate incarcerated for state weapons and narcotics violations.

The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) reported that during an October 3, 2007, proffer session with the San Diego County District Attorney's Office, Drug Enforcement Administration, and ATF, [REDACTED] alleged that he had an ongoing personal relationship of 17 years with ATF Special Agent [REDACTED]. [REDACTED] said that in 2004, [REDACTED] visited the [REDACTED] home when approximately 2 tons of marijuana were concealed in the garage. [REDACTED] said that while [REDACTED] did not observe the marijuana, the scent from the garage was evident. Also, according to [REDACTED] in April 2005, while he was a federal fugitive, [REDACTED] helped him elude law enforcement authorities by providing law enforcement sensitive information to [REDACTED] who would, in turn, inform [REDACTED]. [REDACTED] further alleged that [REDACTED] knew he was a convicted felon in possession of a firearm yet failed to take any action against him.

During his Office of the Inspector General (OIG) interview, [REDACTED] stated that [REDACTED] had fabricated the allegations made against him. [REDACTED] said that he and [REDACTED] had met on only one occasion, had no ongoing personal relationship and that he never provided [REDACTED] with any type of assistance or law enforcement information. [REDACTED] did admit to querying [REDACTED] name on ATF's N-Force database on one occasion prior to [REDACTED] becoming a fugitive, to determine if [REDACTED] was involved in illegal activities. He said the result of his query was negative so he took no further action. [REDACTED] agreed to undergo a polygraph examination, the results of which were inconclusive. He declined a retest.

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|--|---|
| DATE February 27, 2009 | SIGNATURE [REDACTED] |
| PREPARED BY SPECIAL AGENT [REDACTED] | |
| DATE February 27, 2009 | SIGNATURE <i>Kenneth R. Strange Jr.</i> |
| APPROVED BY SPECIAL AGENT IN CHARGE Kenneth R. Strange Jr. | |

A review of National Crime Information Center data and the Treasury Enforcement Communications System indicated that [REDACTED] had not accessed information or queried [REDACTED] name.

During her OIG interview, [REDACTED] confirmed her long standing relationship with [REDACTED] as the father of her child. She denied, however, any personal involvement in [REDACTED] illegal drug activities and said that she was unaware of any relationship between [REDACTED] and [REDACTED] since [REDACTED] became an ATF agent.

During his OIG interview, [REDACTED] recanted his claims: that [REDACTED] was aware of [REDACTED] illegal drug activities, had known that [REDACTED] was a convicted felon in possession of a firearm, and had intentionally provided any law enforcement information for [REDACTED] use as a fugitive. [REDACTED] refused to undergo a polygraph examination.

This investigation was discussed with Assistant United States Attorney [REDACTED] for the Central District of California. [REDACTED] declined prosecutorial interest in [REDACTED] due to a lack of sufficient evidence that he engaged in criminal misconduct.

The OIG has completed its investigation and is providing this report to the ATF for its review and appropriate action.

ABBREVIATED REPORT OF INVESTIGATION

SUBJECT

Indianapolis Division
Indianapolis, Indiana

CASE NUMBER

2007-009481

OFFICE CONDUCTING INVESTIGATION

Detroit Area Office

DOJ COMPONENT

Federal Bureau of Investigation

DISTRIBUTION

☒ Field Office

☒ AIG/IV

☒ Component

☐ USA

☐ Other

STATUS

☐ OPEN ☐ OPEN PENDING PROSECUTION ☒ CLOSED

PREVIOUS REPORT SUBMITTED: ☐ YES ☒ NO

Date of Previous Report:

SYNOPSIS

This investigation was initiated following the Office of the Inspector General's (OIG) receipt of information on September 19, 2007, regarding unauthorized dissemination of classified information about informants. As reported by the Federal Bureau of Investigation (FBI) Inspection Division, a cooperating witness (identity protected) alleged that an FBI employee named [REDACTED] (initially identified in the predating FBI electronic communication of September 18, 2007, as [REDACTED]), of the Indianapolis Division, was providing the identities of FBI informants and possibly the file folders of FBI informants, including their payment and case information, to a known criminal named [REDACTED]. The FBI identified Special Agent [REDACTED] an FBI Indianapolis Division employee, as the investigation subject.

When the OIG interviewed [REDACTED] regarding the allegations involving [REDACTED] and information dissemination, his statement contradicted that of the cooperating witness. In a sworn statement, [REDACTED] denied knowing any FBI employees or obtaining the identities or information of any FBI informants. [REDACTED] currently on disability from employment with a railroad and serving a sentence of home confinement for a drug conviction, claimed to have spent much of his time high on drugs.

In a joint OIG and FBI interview, the cooperating witness said he both had overheard and talked with [REDACTED] about obtaining information on people and had heard [REDACTED] asking, in a telephone conversation, for information from someone named [REDACTED]. The cooperating witness said he overheard [REDACTED] speak of having people "checked out" and that [REDACTED] also had checked names for him. In a phone call in the presence of the cooperating witness, [REDACTED] reportedly provided names to [REDACTED] for checking. Although unable to recall whether [REDACTED] said [REDACTED] worked for the FBI, the cooperating witness told the OIG [REDACTED] had said that Jo Ann worked in the federal building and that [REDACTED] appeared to know her.

The cooperating witness said he saw informant files in [REDACTED] possession and described them in an OIG

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|-------------------------------------|--------------------|---------------------|----------------------------|
| DATE | September 29, 2008 | SIGNATURE | [REDACTED] |
| PREPARED BY SPECIAL AGENT | | [REDACTED] | |
| DATE | September 29, 2008 | SIGNATURE | <i>John F. Oleskiewicz</i> |
| APPROVED BY SPECIAL AGENT IN CHARGE | | John F. Oleskiewicz | |

interview. According to the cooperating witness, on one occasion, [REDACTED] showed the witness what he believed were two FBI informant files and their contents (described to the OIG as having a color outline and photo on a white cover with a photo and computer-printed papers inside). It should be noted that an actual FBI informant file has a white background with distinctive green "hash" markings around the perimeter. The informant number is displayed on the side of the front cover. No photograph is affixed to the outside and would only be concealed within a 1A envelope inside the folder.

The OIG learned that [REDACTED] and two other persons in the FBI Indianapolis Division can access classified information. The FBI Indianapolis Division employs Special Agent [REDACTED]. In addition to [REDACTED] [REDACTED] have access to the Criminal Informant Management System (CIMS) and the informant files for the Indianapolis Division.

The OIG investigation found no evidence to support the allegation against [REDACTED]. A pen register for [REDACTED] phone number, several consensually monitored telephone calls from the cooperating witness to [REDACTED] and reviews of FBI database and phone records did not reveal any contact between [REDACTED] and any FBI employee or other person of interest. No evidence was developed showing that [REDACTED] or [REDACTED] ever provided the identities of FBI informants to any unauthorized person.

The OIG obtained sworn statements from [REDACTED], each stating that she never released information regarding FBI informants to any unauthorized individuals. All three employees volunteered for and passed polygraph examinations regarding the unauthorized release of law enforcement information.

While undergoing her polygraph examination, [REDACTED] did admit to accessing law enforcement databases for personal reasons unrelated to the purpose of this investigation on three occasions approximately 10 years ago, twice accessing the National Crime Information Center database and once accessing the Automated Case Support (ACS) database. [REDACTED] provided a sworn statement on July 30, 2008, detailing her personal queries into the National Crime Information Center and ACS databases. [REDACTED] conducted unauthorized searches relating to her family: a license plate number and later an address of boyfriend, for a sister-in-law, and information about an uncle's business, for her own curiosity.) [REDACTED] said she reported her unauthorized business-related search and stated that she had been trained about database restrictions and knew that she had violated policy by accessing the databases for personal reasons. An analysis of [REDACTED] computer activity confirmed that on February 16, 1999, [REDACTED] queried ACS as stated during her polygraph examination and in her sworn statement.

The OIG has completed its investigation and is providing this report to the FBI for its review and appropriate action.

REPORT OF INVESTIGATION

SUBJECT

[REDACTED]
Bureau of Alcohol, Tobacco, Firearms and Explosives
Houston, Texas

CASE NUMBER

2007-009465

OFFICE CONDUCTING INVESTIGATION

Houston Area Office

DOJ COMPONENTS

Bureau of Alcohol, Tobacco, Firearms and Explosives

DISTRIBUTION

☒ Field Office DFO
☒ AIGINV
☒ Component ATF
☐ USA
☐ Other

STATUS

☐ OPEN ☐ OPEN PENDING PROSECUTION ☒ CLOSED

PREVIOUS REPORT SUBMITTED: ☐ YES ☒ NO

Date of Previous Report:

SYNOPSIS

On September 19, 2007, the Office of the Inspector General (OIG) received information from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), concerning misconduct by ATF Special Agent [REDACTED] Houston, Texas. According to the ATF, a Federal Bureau of Investigation (FBI) Houston Field Division informant reported that [REDACTED] disclosed FBI drug investigations to a Houston drug trafficking organization, including civilians [REDACTED]. During our investigation, the FBI informant also claimed [REDACTED] used cocaine. [REDACTED] was assigned to an Organized Crime Drug Enforcement Task Force of the Drug Enforcement Administration (DEA), Houston Division, when these allegations were reported.

During an OIG interview, the FBI informant said that in 2007, Phan, along with civilian [REDACTED], used cocaine in a Houston nightclub in addition to providing FBI drug investigation information to FBI investigative targets. Subsequently, the FBI told the OIG its informant recanted this drug allegation. In an ensuing OIG interview, the informant could not identify [REDACTED] from an OIG photographic lineup. The informant had no direct knowledge of [REDACTED] disclosing information but believed [REDACTED] released information based upon [REDACTED] social association with [REDACTED]. The OIG determined the informant had limited contact with [REDACTED] the informant met with [REDACTED] once in 2004 and once in 2007, and was unable to engage [REDACTED] in conversations concerning his cocaine use and unauthorized disclosure of FBI investigative information.

The OIG found that [REDACTED] had no access to FBI investigative information or to DEA and FBI databases. During OIG interviews, FBI Drug Squad personnel denied providing [REDACTED] information or knowing of [REDACTED] soliciting information about FBI drug investigations. In addition, an OIG review of [REDACTED] access to federal law enforcement databases disclosed [REDACTED] had no direct access to DEA and FBI databases and did not query any FBI targets using the National Crime Information Center, National Law Enforcement Telecommunications System, the Treasury Enforcement Communications System, or ATF databases.

DATE November 24, 2008

SIGNATURE [REDACTED]

PREPARED BY SPECIAL AGENT [REDACTED]

DATE November 24, 2008

SIGNATURE *Wayne D. Beaman*

APPROVED BY SPECIAL AGENT IN CHARGE

Wayne D. Beaman

The OIG reviewed [REDACTED] cellular telephone records to determine his association with FBI targets. [REDACTED] personal cellular telephone records disclosed no calls between [REDACTED] 32 calls between [REDACTED] and 13 calls between [REDACTED] ATF cellular telephone records disclosed no calls between [REDACTED] and [REDACTED]. An OIG review of [REDACTED] and [REDACTED] personal cellular telephone records disclosed no calls to [REDACTED] ATF cellular telephone, residence, or office, but there were 12 telephone calls and 18 text messages between [REDACTED] on their respective personal cellular telephones. An OIG requested FBI analysis of [REDACTED] personal cellular telephone records revealed [REDACTED] cellular telephone number contacted telephone numbers associated with numerous FBI investigations but did not provide sufficient information to determine if these contacts were inappropriate.

The OIG interviewed [REDACTED] and obtained a sworn affidavit in which he denied disclosing law enforcement information and using illegal drugs. Additionally, [REDACTED] denied knowledge of [REDACTED] involvement in criminal activity. [REDACTED] said he knew [REDACTED] and explained they are acquaintances with whom he socializes occasionally. During this interview, [REDACTED] agreed to provide urine as well as hair follicle specimens for drug testing and agreed to undergo a polygraph examination. The subsequent urinalysis and hair follicle examination disclosed [REDACTED] was not a recent illegal drug user. In an OIG polygraph examination, [REDACTED] denied all allegations, but the OIG determined he was deceptive concerning the disclosure of law enforcement information and cocaine use. [REDACTED] declined to take a follow-up OIG polygraph examination.

During a second OIG interview and in his affidavit, [REDACTED] denied disclosing law enforcement information to [REDACTED]. [REDACTED] explained he socialized infrequently with [REDACTED], used his relationship with them "to meet women," and discussed his ATF employment with [REDACTED]. Additionally, [REDACTED] said he is friends with and socializes frequently with Houston civilian [REDACTED] and further explained that he might have discussed past ATF investigations with [REDACTED]. For example, [REDACTED] is aware [REDACTED] monitored court-ordered electronic intercepts.

This investigation did not develop evidence that [REDACTED] used illegal drugs or disclosed FBI investigative information. A urinalysis and hair follicle examination indicated [REDACTED] was not a recent user of illegal drugs. Even though the FBI described [REDACTED] to the OIG as mid-level, associated drug traffickers who mutually aided each other's drug trafficking enterprise, the OIG determined [REDACTED] had no access to FBI investigative or informant information and developed no information to indicate [REDACTED] compromised FBI investigations.

Nonetheless, an OIG polygraph examination determined [REDACTED] was deceptive concerning his disclosure of law enforcement information and drug use, and he declined to undergo a follow-up polygraph examination.

This investigation was presented to the Southern District of Texas, U.S. Attorney's Office, and criminal prosecution of [REDACTED] for the disclosure of law enforcement information and providing false statements was declined due to insufficient evidence. During this investigation, the ATF removed [REDACTED] from the DEA Organized Crime Drug Enforcement Task Force and placed him on "administrative duties."

The OIG has completed its investigation and is providing this report to the ATF for its review and appropriate action.

DETAILS OF INVESTIGATION

Predication

On September 19, 2007, the OIG received information from the ATF concerning misconduct by Houston, Texas, ATF Special Agent [REDACTED]. According to the ATF, an FBI Houston Field Division informant reported that [REDACTED] used cocaine in addition to disclosing information concerning ongoing FBI drug investigations to a Houston drug trafficking organization, including civilians, [REDACTED] and [REDACTED]. During the time these allegations were reported, [REDACTED] was assigned to a DEA Organized Crime Drug Enforcement Task Force operating in Houston.

Investigative Process

This investigation consisted of reviewing relevant ATF, DEA, FBI, and Department of Homeland Security law enforcement databases; [REDACTED] personal and work telephones and bank records, as well as the telephone records of his associates; and FBI investigative information and interviewing persons with knowledge of these allegations and subject matter.

Records and Databases Reviewed

The OIG reviewed [REDACTED] personal cellular as well as his work cellular telephone records in addition to his bank records. Further OIG review included [REDACTED] personal cellular telephone records. The OIG also specifically examined [REDACTED] access and use of the following law enforcement databases:

- ATF – E-Trace, N-Force and N-Quire systems.
- DEA – Narcotics and Dangerous Drugs Indexing System, Electronic File Room and Audit System, Case Status Subsystem.
- FBI – Automated Case Support System, National Crime Information Center System, National Law Enforcement Telecommunications System.
- Department of Homeland Security – Treasury Enforcement Communications System.

Bureau of Alcohol, Tobacco, Firearms and Explosives Employees Interviewed

[REDACTED]

Federal Bureau of Investigation Employees Interviewed

[REDACTED]

[REDACTED]

Federal Bureau of Investigation Task Force Officers Interviewed

[REDACTED]

Federal Bureau of Investigation Source Interviewed

Informant 270A-HO-67470-A, FBI Houston Field Division

Illegal Drug Use

On October 11, 2007, FBI informant 270A-HO-67470-A told the OIG that in 2007, [REDACTED] along with civilian, [REDACTED] used cocaine inside the restroom at the Buddha Lounge in Houston. However, on January 14, 2008, the FBI told the OIG its informant recanted this allegation.

Disclosure of Law Enforcement Information

According to the FBI, it received information in May 2007 that an ATF agent identified only as [REDACTED] (subsequently identified as ATF Special Agent [REDACTED]) was providing FBI investigative information to FBI drug investigation targets. During July and August 2007, the FBI debriefed its informant; the informant said [REDACTED] was not involved in drug trafficking but said [REDACTED] told two FBI targets they were under FBI investigation and had been for over 13 months. However, it was not until September 17, 2007, that the FBI notified ATF about [REDACTED]

The OIG contacted the FBI Public Corruption Squad in September 2007 and learned that [REDACTED] was not under FBI investigation and that the Public Corruption Squad would not investigate [REDACTED] unless he was accepting bribes. Next, the OIG contacted the FBI Drug Squad and learned it received a photograph of [REDACTED] from the ATF and was arranging to have the informant view the photograph. On October 3, 2007, the FBI notified the OIG that on September 21, 2007, the informant viewed [REDACTED] photograph but could not identify him.

The informant viewed an OIG photographic lineup on October 16, 2007, and again, could not identify [REDACTED]. Additionally, the informant did not hear [REDACTED] disclose information about FBI drug investigations but believed [REDACTED] did so, based on [REDACTED] association with Houston civilians [REDACTED]. The Houston FBI identified [REDACTED] to the OIG as mid-level drug trafficking associates, who generally purchase "ecstasy," marijuana, and other drugs from area traffickers for intended resale to lower-level traffickers.

During this investigation, the FBI told the OIG it obtained a surreptitious recording on February 13, 2008,

between the informant and [REDACTED] wherein [REDACTED] identifies [REDACTED] as an ATF agent releasing FBI investigative information. The FBI provided a transcript of this recording, and the OIG determined that [REDACTED] speaks with the informant about [REDACTED] and insinuates [REDACTED] released investigative information. However, [REDACTED] does not provide specific information he received from [REDACTED]. The transcript also indicates [REDACTED] is concerned about being investigated, based upon his nationality. Additionally, the transcript indicates [REDACTED] questions the informant about [REDACTED] drug use, but there is no information in the transcript to indicate [REDACTED] uses illegal drugs.

Through coordination with the FBI, interviews of the FBI informant, and a review of FBI investigative information, the OIG determined the informant had infrequent encounters and limited contact with [REDACTED] (once in 2004 and once in 2007). In addition, the informant was unable to engage [REDACTED] in conversations concerning his unauthorized disclosure of FBI investigative information or cocaine use. The OIG was unable to conduct covert operational activity involving [REDACTED] to corroborate the allegations against him.

[REDACTED] Access to FBI Investigative Information

To determine [REDACTED] access to FBI investigative information, the OIG interviewed FBI Drug Squad personnel conducting drug investigations targeting Houston drug trafficking organizations. In addition, the OIG reviewed [REDACTED] access to federal law enforcement databases, including those administered by the ATF, DEA, FBI, and the Department of Homeland Security. In OIG interviews, FBI Drug Squad personnel denied providing [REDACTED] information concerning FBI drug investigations or that [REDACTED] solicited information concerning investigations. No information was developed to indicate [REDACTED] visited the Drug Squad, regularly interacted with any Drug Squad members, or had knowledge of FBI drug investigation targets, including the FBI informant's identity.

The OIG also reviewed [REDACTED] access to and use of federal law enforcement databases and determined [REDACTED] had access to the ATF's E-Trace, N-Force, and N-Quire systems, but these databases do not contain FBI informant or investigation information. This review also revealed [REDACTED] did not have direct access to DEA's Narcotics and Dangerous Drugs Indexing System, Electronic File Room, Audit System, Case Status Subsystem, or the FBI's Automated Case Support system. Queries of the FBI Automated Case Support system did not reveal inappropriate access to FBI Drug Squad investigative records by [REDACTED] or FBI Drug Squad personnel. Additionally, [REDACTED] did not query any FBI drug investigation targets through the National Crime Information Center, National Law Enforcement Telecommunications System, or Treasury Enforcement Communications System. Moreover, the OIG found that [REDACTED] caused no National Crime Information Center queries to be made.

Association with FBI Investigation Targets

To determine [REDACTED] association with targets of FBI drug investigations, the OIG reviewed [REDACTED] personal and ATF issued cellular telephone records. [REDACTED] personal cellular telephone records for the period October 2007 to February 2008 disclosed:

- No calls between [REDACTED]
- 32 calls between [REDACTED]
- 13 calls between [REDACTED]

██████████ ATF issued cellular telephone records for the period July 2007 to January 2008, disclosed no calls between ██████████, ██████████, ██████████ cellular telephone records were also reviewed by the OIG and during October 2006 to October 2007; no calls were made from ██████████ ATF cellular telephone, residence, or office. A review of ██████████ personal cellular telephone records for April 2007 to December 2007 disclosed no telephone calls to ██████████ ATF cellular telephone, residence, or office but did reveal 12 telephone calls and 18 text messages between ██████████ personal cellular telephones. The OIG could not obtain these 18 text messages because they were not archived by the telephone service provider. In addition, the OIG determined the DEA did not issue ██████████ a cellular telephone. No queries were made of ATF or DEA office telephones used by ██████████ since those lines are truncated, and connections to a specific person could not be determined.

At the OIG's request, the FBI analyzed ██████████ personal cellular telephone records from October 2006 to November 2007 to determine if ██████████ had contact with FBI investigation targets. This analysis identified 29,668 of ██████████ incoming and outgoing telephone calls and revealed ██████████ cellular telephone number contacted telephone numbers associated with numerous FBI investigations. Unfortunately, the FBI's analysis did not indicate the nature of these telephonic contacts. Moreover, the analysis did not provide the date, duration, or frequency of the telephone calls or other information necessary to determine if ██████████ contacts were inappropriate.

Denial of All Allegations

In his July 1, 2008, OIG interview and sworn affidavit, ██████████ denied using illegal drugs, including cocaine, during his ATF employment or disclosing law enforcement information without authorization. ██████████ acknowledged knowing Houston civilians ██████████, explaining them as acquaintances with whom he socializes occasionally. ██████████ denied knowledge of ██████████ involvement in drug trafficking or other criminal activity ██████████ also said he is friends with and socializes frequently with Houston civilian ██████████.

The OIG interviewed ██████████ a second time on September 4, 2008, to clarify information he previously provided on July 1, 2008. During this interview, ██████████ admitted the following:

- He might have told ██████████ about a \$5.2 million seizure or a search warrant execution when ██████████ was almost bitten by a dog and that he told ██████████ about an investigation concerning an Asian gang member who shot someone. Prior to these conversations, ██████████ was aware ██████████ monitored electronic intercepts, and on occasion, ██████████ told ██████████ he had to work "the wire room."
- During 2006, ██████████ introduced him to ██████████ at a Houston nightclub, and through ██████████, he later met ██████████ in 2007 at a Houston nightclub.
- He attended high school with ██████████ and reestablished contact with him in 2003 after meeting ██████████ at a Houston nightclub.
- He socialized infrequently with ██████████ and used his relationship with them "to meet women."

During this interview, ██████████ denied disclosing law enforcement information to ██████████ adding that

he did not remember any conversation with [REDACTED] concerning ongoing criminal investigations or law enforcement investigative techniques. [REDACTED] explained conversations with [REDACTED] about his ATF employment that included discussing televised law enforcement techniques. In addition, [REDACTED] discussed past ATF investigations with [REDACTED] including possibly telling [REDACTED] about a \$5.2 million seizure along with relating an occasion when a dog almost bit him during the execution of a search warrant.

[REDACTED] agreed during his July 1, 2008, interview to provide urine and hair follicle specimens to the OIG for drug testing. The subsequent urinalysis and hair follicle examination disclosed that during the 90 days prior to the exam, [REDACTED] did not use illegal drugs, including cocaine, amphetamines, opiates, phencyclidine, or marijuana. Depending on the specific drug test, the OIG noted that a urinalysis detects drug usage for a 2- to 7-day period prior to testing, and a follicle examination detects drug usage for a 90-day period prior to testing.

[REDACTED] also agreed during his July 1, 2008 interview, to undergo an OIG polygraph examination, and during the subsequent July 2, 2008, examination, [REDACTED] denied all allegations. However, the polygraph examiner expressed the opinion that [REDACTED] was deceptive when answering relevant questions concerning cocaine use and his disclosure of law enforcement sensitive information. [REDACTED] declined to take a second OIG polygraph examination offered on September 4, 2008.

Investigative Findings

This investigation did not develop evidence to corroborate the allegations that [REDACTED] used illegal drugs during his ATF employment or disclosed FBI investigative information. However, the FBI identified [REDACTED] to the OIG as mid-level drug trafficking associates, who generally purchase "ecstasy," marijuana, and other drugs from area traffickers for intended resale to lower-level traffickers. An ATF directed urinalysis and a hair follicle examination requested by the OIG indicated [REDACTED] was not a recent user of illegal drugs. The OIG determined [REDACTED] did not have access to FBI investigative or informant information and developed no evidence that [REDACTED] compromised an FBI investigation. The OIG also determined [REDACTED] knew and socialized with individuals involved in FBI drug investigations, but no information was developed to indicate [REDACTED] knew his associates were involved in criminal activity. Nonetheless, the OIG determined [REDACTED] to be deceptive in an OIG polygraph examination concerning his personal drug use and disclosure of law enforcement information, and [REDACTED] declined to undergo a follow-up polygraph examination.

Legal Coordination

The OIG obtained guidance from the Southern District of Texas, U.S. Attorney's Office concerning the effect these allegations against [REDACTED] would have on court-ordered electronic intercepts for which he was an affiant. Assistant U.S. Attorney [REDACTED] said the OIG did not have substantive information regarding [REDACTED] involvement in any illegal activity, and thus, the allegations would not affect court-ordered electronic intercepts. Moreover, there was no requirement for informing the Assistant U.S. Attorney for the Organized Crime Drug Enforcement Task Force of the allegations against [REDACTED] until substantive information was developed.

This investigation was presented to the Southern District of Texas, U.S. Attorney's Office, and on August 22, 2008, Assistant U.S. Attorney [REDACTED] declined criminal prosecution of [REDACTED] regarding the unauthorized disclosure of law enforcement information and false statements to the OIG due to insufficient evidence. During this investigation, the ATF removed [REDACTED] from the Organized Crime Drug Enforcement Taskforce of the DEA Houston Division, and subsequent to his July 1, 2008, OIG interview, placed [REDACTED] on "administrative duties."

The OIG has completed its investigation and is providing this report to the ATF for its review and appropriate action.

ABBREVIATED REPORT OF INVESTIGATION

| | | |
|---|---|---|
| SUBJECT Unknown Special Agent Federal Bureau of Investigation Charlotte, North Carolina | | CASE NUMBER 2007-004441 |
| OFFICE CONDUCTING INVESTIGATION Washington Field Office | | DOJ COMPONENT Federal Bureau of Investigation |
| DISTRIBUTION <input checked="" type="checkbox"/> Field Office WFO <input checked="" type="checkbox"/> AIG/INV HQ <input checked="" type="checkbox"/> Component FBI <input type="checkbox"/> USA <input type="checkbox"/> Other | STATUS <input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Date of Previous Report: | |

SYNOPSIS

This investigation was predicated upon receipt of information from the Drug Enforcement Administration (DEA), on March 28, 2007, alleging that during the course of a DEA investigation, information was provided to DEA agents based in Charlotte, North Carolina, that a subject of their investigation, [REDACTED] received sensitive restricted law enforcement information from an unknown FBI special agent based in Charlotte.

During the course of the Office of the Inspector General (OIG) investigation, [REDACTED] was indicted in the Western District of North Carolina on narcotics and other related charges. Subsequently, [REDACTED] agreed to cooperate with law enforcement and was interviewed by the OIG in the presence of his attorney, Assistant Federal Public Defender [REDACTED]. During the interview [REDACTED] told the OIG that in the Fall of 2004 he was introduced to a person by the purported name of [REDACTED], who alleged that he was a law enforcement officer. [REDACTED] believed that the name [REDACTED] was an alias. [REDACTED] was introduced to [REDACTED] by a criminal associate nicknamed [REDACTED]. [REDACTED] told the OIG that he understands that [REDACTED] is in Mexico and that he has no way of contacting him.

[REDACTED] told the OIG that he met [REDACTED] on three occasions in three different locations for the purpose of getting an arrest warrant for the arrest of [REDACTED] removed. The first meeting was at a shopping center in Charlotte, North Carolina, the second meeting took place at a gas station in Houston, Texas, and the last meeting took place at [REDACTED] house in Charlotte. The information supplied by [REDACTED] about the location of [REDACTED] house in Charlotte was vague, imprecise, and not detailed enough to locate. Further, [REDACTED] believed that he may have had [REDACTED] telephone number stored in his cell phone prior to his arrest, but that he has since lost the cell phone and has no other way of contacting [REDACTED].

| | |
|---|--------------------------|
| DATE May 23, 2008 | SIGNATURE [REDACTED] |
| PREPARED BY SPECIAL AGENT [REDACTED] | |
| DATE 5/27/08 | SIGNATURE [Signature] |
| APPROVED BY SPECIAL AGENT IN CHARGE Gene E. Morrison | |

DEA records indicate that the DEA interviewed [REDACTED] who was told by [REDACTED] about his "FBI" associate. [REDACTED] told the DEA that she thought she saw [REDACTED] meet his FBI associate from a distance and believed he was a middle aged Hispanic male. When pressed by the DEA, she stated that she had no additional information. Further, according to DEA records, [REDACTED] told the DEA that [REDACTED] told her about his FBI associate. Based on [REDACTED] description, [REDACTED] believed he was a bald white male.

[REDACTED] said that [REDACTED] led him to believe that [REDACTED] was a law enforcement officer and when met [REDACTED] he possessed a hat with the letters FBI inscribed across the front and he also displayed an official looking identification. [REDACTED] told [REDACTED] that unnamed law enforcement officials had issued a warrant for his arrest and that for \$5,000 he could have the warrant canceled. [REDACTED] later paid [REDACTED] \$5,000 for the cancellation of the warrant, but was shortly thereafter arrested.

At the request of the OIG, the FBI conducted a query of its Personnel Management System for any FBI employee with the exact or similar name of [REDACTED]. This query met with negative results. The OIG also requested that the FBI's Enterprise Security Operations Center conduct a query of the the FBI's Automated Case Management System (ACS) for numerous search terms related to this allegation. The ACS audit provided no evidence to support the allegation or link any FBI employee to Charlotte, North Carolina, and [REDACTED].

During the course of its investigation, the OIG requested an audit of the National Crime Information Center (NCIC) database for records related to [REDACTED] to determine if any FBI employee conducted any NCIC queries on the name [REDACTED] during the period of time in question. The audit met with negative results.

In summary, the OIG investigation found no evidence to support that allegation that an unknown FBI employee provided restricted sensitive law enforcement information to [REDACTED] for cash payments.

The OIG has completed its investigation and is providing this report to the Federal Bureau of Investigation for its review.

ABBREVIATED REPORT OF INVESTIGATION

| | | | |
|--|--|--|--|
| SUBJECT Noble Duke (***-**-8309) Task Force Officer Alcohol Tobacco Firearms & Explosives Indianapolis, Indiana | | CASE NUMBER 2007-008560 | |
| OFFICE CONDUCTING INVESTIGATION Chicago Field Office | | DOJ COMPONENT Alcohol Tobacco Firearms & Explosives | |
| DISTRIBUTION | | STATUS | |
| <input checked="" type="checkbox"/> Field Office CFO | | <input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED | |
| <input checked="" type="checkbox"/> AIGINV HQ | | PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | |
| <input checked="" type="checkbox"/> Component ATF | | Date of Previous Report: | |
| <input type="checkbox"/> USA | | | |
| <input checked="" type="checkbox"/> Other DEA | | | |



SYNOPSIS

This investigation was initiated based on information that Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Task Force Officer Noble Duke disclosed the existence of a Title III wiretap investigation conducted by the Drug Enforcement Administration in Indianapolis, Indiana. Duke, an Indianapolis Metropolitan Police Department detective, was a 10-year member of the ATF Indianapolis Field Office task force.

The Office of the Inspector General investigation, conducted jointly with the Drug Enforcement Administration and Federal Bureau of Investigation, found that Duke divulged the existence of 14 wiretap operations to the nephew of a girlfriend, who then informed the subjects of an Organized Crime Drug Enforcement Task Force (OCDETF) investigation. Duke explained that he did not want the girlfriend's nephew to get into trouble due to his involvement with the subjects of the OCDETF investigation. As a result of Duke's disclosure, many of the subjects fled prior to the execution of search and arrest warrants.

On March 19, 2008, Duke pleaded guilty to an Information charging him with one count of 18 U.S.C. § 2511(1)(e), unauthorized disclosure of wire communication, and subsequently was sentenced to 4 months of confinement in a community corrections facility followed by 6 months of home confinement and 36 months of supervised release, and was ordered to conduct 180 hours of community service and pay a \$1,000 fine.

Duke voluntarily left the task force on August 1, 2007, and his deputation as an ATF Task Force Officer was cancelled on November 5, 2007.

| | |
|--|---|
| DATE August 26, 2008 | SIGNATURE  |
| PREPARED BY SPECIAL AGENT | |
| DATE August 26, 2008 | SIGNATURE  |
| APPROVED BY SPECIAL AGENT IN CHARGE John F. Oleskiewicz | |

The Office of the Inspector General has concluded its investigation, and all criminal and administrative actions are complete. We are providing this report to the ATF and Drug Enforcement Administration for information.

U.S. Department of Justice
Office of the Inspector General

ABBREVIATED REPORT OF INVESTIGATION

SUBJECT

Federal Bureau of Investigation
Tampa, Florida

CASE NUMBER

MI-402-2008-004097-I

OFFICE CONDUCTING INVESTIGATION

Miami Field Office

DOJ COMPONENT

Federal Bureau of Investigation

DISTRIBUTION

☒ Field Office MFO
☒ AIGINV HQ
☒ Component FBI
☐ USA
☐ Other

STATUS

☐ OPEN ☐ OPEN PENDING PROSECUTION ☒ CLOSED

PREVIOUS REPORT SUBMITTED: ☐ YES ☒ NO

Date of Previous Report:

SYNOPSIS

This joint investigation with the Federal Bureau of Investigation (FBI) was initiated based upon the FBI's receipt of information on March 6, 2008, alleging misconduct by an FBI supervisory agent. According to an FBI confidential human source (CHS) with proven reliability, Puerto Rico businessman [REDACTED] had described receiving information from the FBI supervisory agent preceding arrest related to the "Super Tubo" case, a sensitive public corruption case in San Juan, Puerto Rico. In addition, the CHS reported that [REDACTED] talked of having a friendly relationship with the FBI agent's spouse, being the FBI agent's best man at his Las Vegas wedding, and paying part of the agent's wedding costs. At the time the CHS reported the allegations, [REDACTED] was a target of an ongoing FBI public corruption case in San Juan with ties to Puerto Rico Governor Anibal Acevedo-Vila.

The FBI believed, and the Office of the Inspector General (OIG) verified, that FBI Special Agent [REDACTED] who was the supervisor of San Juan Field Division Public Corruption Squad One between September 2002 and August 2006, was the FBI supervisory agent referred to by the CHS.

The OIG and the FBI interviewed the CHS who stated that in approximately 2003 [REDACTED] told the CHS he was associated with an FBI agent through a female named [REDACTED]. The CHS described [REDACTED] as a close friend of [REDACTED]. According to the CHS, [REDACTED] said [REDACTED] used to frequent his place of business. [REDACTED] told the CHS that [REDACTED] was married to the FBI agent.

| | | | |
|-------------------------------------|---------------|-----------------------|------------------------------|
| DATE | July 20, 2009 | SIGNATURE | [REDACTED] |
| PREPARED BY SPECIAL AGENT | | | |
| DATE | July 20, 2009 | SIGNATURE | <i>Teresa Gulotta-Powers</i> |
| APPROVED BY SPECIAL AGENT IN CHARGE | | Teresa Gulotta-Powers | |

The CHS stated that prior to the November 2004 elections in Puerto Rico, [REDACTED] said the FBI agent advised him of every upcoming FBI arrest concerning former cabinet members of the administration of former Puerto Rico Governor, Pedro Rosello. According to the CHS, [REDACTED] used the information from the FBI agent to assist with the successful campaign of former Puerto Rico Governor Anibal Acevedo-Vila in the 2004 elections. The CHS stated that [REDACTED] alerted Acevedo-Vila of the upcoming FBI arrests of Rosello's former cabinet members. Rosello was Acevedo-Vila's main competition in the 2004 elections. On several occasions, the CHS said he was present when [REDACTED] received the call advising him of an upcoming FBI arrest, including the arrests of Secretary of the State Department of Education Victor Fajardo, Rosello's former campaign director Rene Vazquez-Botet, and Secretary General of the New Progressive Party Marcos Morell-Corrada. The CHS did not know if the FBI agent was initiating the calls to [REDACTED] or if the information was filtered through [REDACTED]. On many of these occasions, the CHS also witnessed when [REDACTED] immediately called Acevedo-Vila or Ramon Velasco, who was Acevedo-Vila's campaign treasurer, to advise them of the upcoming arrests.

In exchange for the disclosures, the CHS said [REDACTED] paid for a portion of the costs of the FBI agent's wedding with [REDACTED]. The CHS believed the FBI agent and [REDACTED] were married in Las Vegas, Nevada, and that [REDACTED] paid for hotel room and airfare expenses in connection with the wedding. The CHS also said that [REDACTED], whom the CHS identified as [REDACTED] secretary, handled all the arrangements concerning the expenses [REDACTED] paid in connection with the FBI agent's wedding.

[REDACTED], who was interviewed by the OIG and the FBI, verified that a friendship existed between [REDACTED] and a female who was introduced to her as [REDACTED]. [REDACTED] said she worked as [REDACTED] secretary from June 2002 through November 2006, but did not handle any of the travel arrangements for [REDACTED] attendance at [REDACTED] wedding, which [REDACTED] believed occurred in 2005. She did not know who handled the travel arrangements or where the wedding took place. She said she had no knowledge of [REDACTED] paying for any expenses related to [REDACTED] wedding. She recalled that [REDACTED] traveled to Las Vegas in October or November 2002 with other Empresas Lebron company staff to attend the annual convention of the National Association of Convenience Stores. Normally, [REDACTED] accompanied [REDACTED] on these annual trips, but in 2002, she did not. She recalled coordinating the travel and hotel arrangements through Ocean Air, a travel agency in Puerto Nuevo, Puerto Rico, and believed that the expenses for all attendees that accompanied [REDACTED] were paid with the Empresas Lebron corporate credit card. She could not recall who accompanied [REDACTED] on the trip to Las Vegas in 2002. [REDACTED] said she never met [REDACTED] spouse nor did she ever see a picture of him, know his name, nationality, or what he did for a living.

[REDACTED] was interviewed and acknowledged his friendship with [REDACTED]. He stated he met [REDACTED] through [REDACTED] whom he had known since approximately 1982 when they were college classmates. [REDACTED] met [REDACTED] approximately 1 or 2 years before [REDACTED] married [REDACTED]. [REDACTED] said he attended the [REDACTED] wedding, which took place in Las Vegas, Nevada, in November 2002.

[REDACTED] denied [REDACTED] ever alerted him to upcoming FBI arrests or disclosed any sensitive information related to FBI investigations. However, [REDACTED] stated that at a party on July 22, 2004, [REDACTED] advised

him that the FBI might arrest someone in the next couple of days. A few days later, [REDACTED] with what [REDACTED] assumed to be the assistance of [REDACTED], disclosed to [REDACTED] the identity of an FBI arrestee after the arrest took place, but before the identity of the arrestee was released to the public. [REDACTED] said he heard a radio newscast that the FBI had arrested a former cabinet member of the Rosello Administration. [REDACTED] reportedly told [REDACTED] that he had also heard the newscast. He asked [REDACTED] if he knew the identity of the individual arrested by the FBI. [REDACTED] responded, "no," but that he would call his "buddy" to find out. [REDACTED] said he was referring to [REDACTED] when he made the reference to his "buddy."

[REDACTED] said he called [REDACTED] and asked her if she knew who had been arrested earlier that day. [REDACTED] responded she did not know but that she would find out. A short time later, [REDACTED] returned the call and identified Jose Acevedo-Martinez as the individual arrested. According to [REDACTED], [REDACTED] told him not to share the information with anyone until after the press conference that was scheduled to take place later that same morning. [REDACTED] said Acevedo-Martinez's identity would be revealed to the public during the press conference. [REDACTED] assumed [REDACTED] obtained the information from [REDACTED]

[REDACTED] said that was the only occasion he requested or received FBI investigative information, directly or indirectly, from [REDACTED]. [REDACTED] also denied providing anything of value to [REDACTED] in exchange for FBI investigative information. [REDACTED] said the only items of value he has provided [REDACTED] were: (1) a \$200 check as a wedding gift, and (2) a baby monitor he gave [REDACTED] at her baby shower in September 2008. [REDACTED] said [REDACTED] baby shower took place in Puerto Rico, and that [REDACTED] did not attend it.

On February 6, 2009, Assistant U.S. Attorney [REDACTED], U.S. Attorney's Office, District of Puerto Rico, declined criminal prosecution in this matter but indicated willingness to reconsider if further information was presented by the OIG that would substantiate the allegation.

In a compelled interview conducted by the OIG, [REDACTED] acknowledged knowing [REDACTED] and explained that they were introduced by [REDACTED] shortly after [REDACTED] started dating her. He believed that [REDACTED] had been a college classmate of Mabel's. [REDACTED] said [REDACTED] is a close friend of [REDACTED] spouse, [REDACTED]. [REDACTED] stated that he has met [REDACTED] approximately 9 or 10 times since they were first introduced in approximately 2001. During all of the meetings, [REDACTED] was accompanied by [REDACTED]

[REDACTED] said [REDACTED] attended his wedding in Las Vegas, Nevada, in November 2002, but he denied [REDACTED] paid for any portion of the wedding costs. He also denied that [REDACTED] ever gave him anything of value in exchange for FBI investigative information.

[REDACTED] denied he disclosed any FBI investigative information to [REDACTED], or anyone else, including arrest information with regard to Jose Acevedo-Martinez. [REDACTED] stated that during the period he supervised Public Corruption Squad One at the FBI San Juan Field Division, the standard operating procedure was for him to notify the office designated point of contact that the arrest had taken place without incident. Once this contact was made, the FBI would provide the media outlets with a press release containing the

identity of the arrestee and the charges in connection with the arrest. [REDACTED] explained that the period between advising his office of the arrest and the disclosure to media outlets was normally short. On most occasions, according to [REDACTED], the press release was already out by the time agents returned to the office for processing of the arrestee.

[REDACTED] was unable to recall if he had contact with [REDACTED] on the day Acevedo-Martinez was arrested. When asked about the possibility that he could have shared the information with [REDACTED] and that she, in turn, passed it on to [REDACTED], [REDACTED] said he does not discuss FBI investigative information with individuals that do not have a need to know, including [REDACTED]. [REDACTED] said the only FBI investigative information he has shared or discussed with his spouse, or anyone else without a need to know, has been information the FBI has already disclosed to the public.

[REDACTED] agreed to voluntarily submit to a polygraph examination concerning the information he provided. The OIG administered the examination and the results indicated that [REDACTED] was not deceptive in his denials when asked if he:

- intentionally provided any FBI investigative information to [REDACTED]
- intentionally provided any FBI investigative information to [REDACTED] or
- ever received any proceeds from providing any FBI investigative information.

The OIG reviewed [REDACTED] FBI e-mail accounts and access to the FBI's Automated Case Support (ACS) system. The review did not disclose any evidence to support the allegations that [REDACTED] disclosed FBI investigative information to [REDACTED].

The OIG investigation found insufficient evidence to substantiate the allegations against [REDACTED].

The OIG has completed its investigation and is providing this report to the FBI for its review.

ABBREVIATED REPORT OF INVESTIGATION

| | | |
|---|--|---|
| SUBJECT Drug Enforcement Administration San Juan, Puerto Rico | | CASE NUMBER 2008-003976 |
| OFFICE CONDUCTING INVESTIGATION Miami Field Office | | DOJ COMPONENT Drug Enforcement Administration |
| DISTRIBUTION <input checked="" type="checkbox"/> Field Office MFO <input checked="" type="checkbox"/> AIGINV HQ <input checked="" type="checkbox"/> Component DEA <input type="checkbox"/> USA <input type="checkbox"/> Other | STATUS <input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Date of Previous Report: | |

SYNOPSIS

This joint investigation with the Drug Enforcement Administration (DEA) Office of Professional Responsibility (OPR) was initiated based upon information provided by the DEA, Caribbean Field Division, Puerto Rico, alleging that [REDACTED] provided sensitive law enforcement information to unauthorized individuals. According to the DEA, an undercover (UC) officer with the Puerto Rico Police Department (PRPD) alleged that [REDACTED] provided sensitive law enforcement information to [REDACTED] who were under investigation by the FBI, San Juan Division. The DEA provided allegations, which indicated that since 2003 rumors circulated regarding a possible leak of information from the DEA case file on the [REDACTED] Drug Trafficking Organization. According to the DEA, these allegations were supported by multiple sources, including an undercover (UC) officer and TFOs that [REDACTED] possibly disclosed law enforcement information without authorization. Allegedly, [REDACTED] performed DEA and criminal history checks on the name [REDACTED]. According to the DEA, [REDACTED] was identified as former FBI Cooperating Witness. Additionally, the name [REDACTED] was an alias name utilized by DEA target, [REDACTED] for travel outside of the Commonwealth of Puerto Rico.

The Office of the Inspector General (OIG) and DEA OPR interviewed FBI Supervisory Special Agent [REDACTED] San Juan Division, Puerto Rico, who stated that the FBI did not have a corruption investigation of PRPD Officers [REDACTED] stated that the investigative leads, including two FBI monitored meetings between [REDACTED] and the UC officer, were pursued and exhausted during August 2007. During one of the FBI monitored meetings, an undercover meeting was set between the UC Officer, [REDACTED] DEA TFO

| | |
|--------------------------------------|---------------------------|
| DATE 7/8/09 | SIGNATURE [REDACTED] |
| PREPARED BY SPECIAL AGENT [REDACTED] | |
| DATE 7/8/09 | SIGNATURE [Signature] |
| APPROVED BY SPECIAL AGENT IN CHARGE | Teresa Gulotta-Powers For |

██████ LNU, and an unidentified female, in an attempt to identify the corrupt DEA TFO. The UC officer did not participate in a meeting between ██████ LNU, and the unidentified female, due to ██████ LNU's suspicion that surveillance cameras were in the parking lot. FBI SA ██████ stated that ██████ and the UC officer did not make any references to a corrupt female DEA TFO during the two FBI monitored meetings. FBI SA ██████ stated that the FBI involvement with the UC officer was only for intelligence purposes, in an attempt to initiate an investigation. According to the ██████ all leads were pursued and exhausted, and as a result, the FBI did not initiate an investigation.

A review of telephone toll records associated with ██████ did not reveal telephonic contact between ██████

During an interview with OIG and DEA OPR, the UC officer gave conflicting accounts of the physical description of TFO ██████ LNU and her vehicle. Additionally, the UC officer was unable to identify DEA TFO ██████ from a photo lineup as the purported ██████ LNU that met with ██████

██████ was interviewed and stated that ██████ knew him and ██████ during ██████ former employment as a Federal Bureau of Prisons (BOP) Correctional Officer at the Metropolitan Detention Center in Guaynabo, Puerto Rico (MDC). ██████ said he was housed in the same unit with ██████ at the MDC. Subsequently, ██████ was employed as a paralegal at the Federal Public Defender's Office (FPDO). ██████ said that ██████ visited him at the MDC in furtherance of her duties as a former paralegal.

A review of the BOP and FPDO records revealed that ██████ were never housed in the same unit at the MDC. Additionally, BOP records did not reflect any visit between ██████ and ██████ at the MDC nor was she assigned to his case while she was a paralegal at the FPDO. According to the FBI, ██████ was deactivated due his inability to provide credible and current information.

DEA policy directs that all law enforcement database record checks be related to an investigation. Database checks conducted by DEA OPR concluded that the queries performed by ██████ were authorized and were conducted within the scope of her duties as an IRS.

TFOs also alleged that a DEA report written by TFO ██████ was found on a printer in the DEA office. The TFOs expressed concern regarding this report because they believed it disclosed the identity of the Source of Information (SOI). The OIG reviewed the DEA report and concluded that it did not identify the SOI. The OIG found no evidence to support that the report was printed or distributed by ██████

██████ who was assigned as a DEA TFO from 2004 through 2008, and ██████, who entered on duty at the DEA on September 18, 2005, were interviewed by the OIG and DEA OPR. Both ██████ denied knowing PRPD Officers ██████. Additionally, ██████ both denied disclosing sensitive law enforcement information to ██████ and individuals outside of law enforcement, including DEA target ██████. ██████ denied accessing law enforcement databases in order to obtain information for the purpose of disclosing it to a DEA target or any unauthorized individuals.


Furthermore, the OIG conducted multiple interviews of TFOs to determine how [REDACTED] received the request to conduct a database search of the name [REDACTED] for intelligence purposes. The OIG was unable to determine the source of the database request based on conflicting interview accounts by the TFOs. [REDACTED] added that she did not remember [REDACTED] during her former employment at the MDC and the FPDO; however, she indicated that the name did sound familiar.

[REDACTED] initially agreed to submit to a polygraph examination, but subsequently declined.

The OIG investigation was unable to develop sufficient evidence to support the allegation that [REDACTED] released sensitive law enforcement information to unauthorized individuals.

The OIG has completed its investigation and is providing this report to the DEA for its review.

ADDITIONAL SUBJECT



**Drug Enforcement Administration
San Juan, Puerto Rico**

REPORT OF INVESTIGATION

| | | | |
|--|--|---|--|
| SUBJECT Federal Bureau of Investigation Newark, New Jersey | | CASE NUMBER 2008-001318 | |
| OFFICE CONDUCTING INVESTIGATION New York Field Office | | DOJ COMPONENT Federal Bureau of Investigation | |
| DISTRIBUTION | | STATUS | |
| <input type="checkbox"/> Field Office | | <input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input type="checkbox"/> CLOSED | |
| <input type="checkbox"/> AIG/DOJ | | PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input type="checkbox"/> NO | |
| <input type="checkbox"/> Component FBI | | Date of Previous Report: | |
| <input type="checkbox"/> TSA | | | |
| <input type="checkbox"/> Other | | | |

SYNOPSIS

This joint Office of the Inspector General (OIG) and Federal Bureau of Investigation (FBI) investigation was initiated upon receipt of Inspection Division information alleging unauthorized access and release of law enforcement data. On November 23, 2007, the FBI Newark Division reported that FBI Special Agent [REDACTED] assigned to the FBI's Red Bank Resident Agency Office, Red Bank, New Jersey, may have conducted unauthorized searches of the FBI's Automated Case Support (ACS) System and released sensitive law enforcement information for purposes not connected to FBI business. The searches allegedly related to [REDACTED] an attorney who is the subject of an ongoing FBI money laundering/white collar crime investigation.

Specifically, the FBI reported that during undercover activity on January 16, 2007, a cooperating witness (CW) working with the FBI Newark Division, made a recorded call to [REDACTED]. During their conversation [REDACTED] told the CW that he would check with his law enforcement contact to see if the CW was the subject of any ongoing investigations. [REDACTED] subsequently contacted the CW and said that he had contacted his law enforcement source and was told to stay away from the CW. The FBI disclosed that an FBI ACS audit report showed that [REDACTED] viewed FBI 302 reports concerning the investigation of [REDACTED] at approximately the same time as the telephone call between [REDACTED] and the CW.

The FBI also alleged a connection between [REDACTED] FBI Newark Division, because while gathering information concerning the allegations relating to [REDACTED] the FBI found that [REDACTED] used ACS to access FBI 302 reports relating to FBI public corruption investigations of the Newark Police Department, Newark, New Jersey. The FBI Newark Division stated that [REDACTED] could be

| | | | |
|--|-------------|-----------|------------|
| DATE | FEB 02 2009 | SIGNATURE | [REDACTED] |
| PREPARED BY SPECIAL AGENT | | | |
| DATE | FEB 02 2009 | SIGNATURE | [REDACTED] |
| APPROVED BY SPECIAL AGENT IN CHARGE James E. Tomlinson | | | |

asked to conduct unauthorized searches of [REDACTED] because her husband, [REDACTED] a police officer employed by the Newark Police Department, was associated with [REDACTED] through the Newark Police Benevolent Association.

The OIG and FBI investigation determined that neither [REDACTED] conducted unauthorized ACS searches in reference to [REDACTED]; however, the OIG and FBI investigation did find that [REDACTED] routinely exceeded their authorized ACS access for no official business purpose and in violation of FBI policy.

In an OIG and FBI interview, [REDACTED] provided a signed, sworn affidavit admitting that he conducted unauthorized ACS searches of himself, FBI employees, his former employer (Progressive Insurance), his brother-in-law, and other individuals. [REDACTED] said that he conducted these searches and viewed the information out of curiosity and boredom but denied that he was ever asked to conduct the ACS searches or that he disclosed the results to any unauthorized individual.

The OIG administered a voluntary polygraph examination to [REDACTED]. The OIG polygraph examiner concluded that [REDACTED] showed no deception to the relevant questions.

When interviewed by the OIG and FBI, [REDACTED] provided a signed, sworn affidavit admitting that she conducted unauthorized ACS searches of herself, her husband, FBI informants, and ongoing FBI public corruption investigations concerning the Newark Police Department. [REDACTED] said that she conducted these searches and viewed the information out of curiosity but denied that she was ever asked to conduct the ACS searches or that she disclosed the results to any unauthorized individual.

The OIG administered a voluntary polygraph examination to [REDACTED]. The OIG polygraph examiner concluded that [REDACTED] showed no deception to the relevant questions.

The United States Attorney's Office, District of New Jersey, declined prosecution of [REDACTED] for violating 18 U.S.C. § 1030(A)(2)(B) (fraud and related activity in connection with computers) due to insufficient evidence to support a federal prosecution.

The OIG has completed its investigation and is providing this report to the FBI for appropriate action.

ADDITIONAL SUBJECT



Federal Bureau of Investigation
Newark, New Jersey

DETAILS OF INVESTIGATION

Predication

This joint OIG and FBI investigation was initiated upon receipt of information that FBI Special Agent [REDACTED] assigned to the FBI's Red Bank Resident Agency Office, Red Bank, New Jersey, may have conducted unauthorized searches of the FBI's ACS System and released sensitive law enforcement information for purposes not connected to FBI business. The searches allegedly related to [REDACTED] who is the subject of an ongoing FBI money laundering/white collar crime investigation.

Specifically, the FBI Inspection Division reported on November 23, 2007, that during undercover activity on January 16, 2007, a CW working with the FBI's Newark Division made a recorded call to [REDACTED] a business associate of [REDACTED]. During their conversation, [REDACTED] told the CW that he would check with his law enforcement contact to see if the CW was the subject of any ongoing investigations. [REDACTED] subsequently contacted the CW and said that he had contacted his law enforcement source and was told to stay away from the CW. The FBI disclosed that an FBI ACS audit report discovered that [REDACTED] viewed FBI 302 reports concerning the investigation of [REDACTED] at approximately the same time as the telephone call between [REDACTED] and the CW.

The FBI also alleged a connection between [REDACTED] FBI Newark Division, because while gathering information concerning the allegations relating to [REDACTED], the FBI found that [REDACTED] used ACS to access FBI 302 reports relating to FBI Public Corruption investigations of the Newark Police Department, Newark, New Jersey. The FBI Newark Division stated that [REDACTED] could be asked to conduct unauthorized searches of [REDACTED] because her husband, [REDACTED] a police officer employed by the Newark Police Department, was associated with [REDACTED] through the Newark Police Benevolent Association.

Investigative Process

The OIG investigation consisted of the following document review and interviews of these individuals:

FBI Employees

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Document Review

- Review of FBI ACS audit records

- Review of FBI Virtual Academy Training Records and Information Security Standards
- Review of DOJ and FBI Standards of Conduct
- Review of FBI Manual of Investigative Operations

Background

The initial FBI 302 reports furnished to the OIG were sent to the FBI Inspection and Security Divisions by the FBI Newark Division.

Alleged Misconduct by [REDACTED]

According to the initial FBI 302 reports furnished to the OIG and a subsequent OIG and FBI interview of FBI [REDACTED] Newark Division, on January 16, 2007, at approximately 10:15 a.m., FBI CW 270D-NK-114582 (hereafter referred to as CW), while working with [REDACTED], the subject of an ongoing FBI murder investigation.) During their conversation, [REDACTED] told the CW that he would check with his law enforcement contacts to see if the CW was the subject of any ongoing investigations. [REDACTED] subsequently contacted the CW and said that he contacted his law enforcement source and was told to stay away from the CW.

After the telephone call, [REDACTED] obtained an FBI ACS User Document Access Report relating to the investigation of [REDACTED]. The ACS audit report showed that on January 16, 2007, at approximately 10:15 a.m. (purportedly around the same time as the call between the CW and [REDACTED] viewed an FBI 302 report relating to a prior FBI surveillance and undercover operation concerning [REDACTED]. At the time [REDACTED] accessed the reports, he was assigned to the Red Bank Resident Agency Office and had no role in the FBI's investigation of [REDACTED].

Alleged Misconduct by FBI [REDACTED]

While gathering information concerning the allegations relating to [REDACTED] the FBI reported discovering that FBI [REDACTED] Newark Division, used ACS to access FBI 302 reports relating to FBI Public Corruption investigations of the Newark Police Department, Newark, New Jersey. According to the FBI, [REDACTED] was assigned to a gang squad and had no official business purpose to access the information.

The FBI Newark Division stated that [REDACTED] could be tasked to conduct unauthorized searches of [REDACTED] because her husband, [REDACTED] was associated with [REDACTED] through the Newark Police Benevolent Association.

Automated Case Support System

ACS is one of several database applications residing on the FBI's investigative mainframe and is intended to contain information ranging from unclassified to Secret. ACS comprises three subsystems: a case indexing

system, a case management system, and a system to store and retrieve text documents.

The ACS system also allows FBI personnel to open and assign cases, set and assign leads, store text documents (for example, investigative reports and memoranda of interview), and index, search, and retrieve these documents.

FBI Computer Security Training

A review of FBI training records noted that [REDACTED] both completed the FBI's information security (Infosec) training during 2005, 2006, and 2007 through the FBI Virtual Academy. Infosec training refers employees to the specific FBI policy concerning the appropriate use of ACS and other automated systems. The policy guidance requires that all searches must be conducted for official business purposes only.

FBI and Government Standards of Conduct

Misuse of Position

According to the FBI's Manual of Investigative Operations and Guidelines (MIOG), Part 2, Section 35, prior to a user signing onto an FBI system, including ACS, the following banner is displayed:

This FBI system is for the sole use of authorized user for official business only. To protect the system from unauthorized use and to insure that the system is functioning properly, individuals using this computer system are subject to having all of their activities on this system monitored and recorded by system personnel. Anyone using this system expressly consents to such monitoring and is advised that if such monitoring reveals evidence of possible abuse or criminal activity, system personnel may provide the results of such monitoring to the appropriate officials.

The Standards of Ethical Conduct for Employees of the Executive Branch, contained in part in the Code of Federal Regulations (5 C.F.R. § 2635), states that "public service is a public trust" and that:

- Employees shall not use public office for private gain
- Employees shall protect and conserve Federal property and shall not use it for other than authorized activities
- Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part

Regarding "Misuse of Position," the statute further states:

- An employee shall not use his public office for private gain . . . or for the private gain of friends . . . or persons with whom the employee is affiliated in a nongovernmental capacity, including . . . persons with whom the employee has or seeks employment or business

relations

- An employee shall not use or permit the use of his Government position or title or any authority associated with his public office in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to himself or to friends, relatives or persons with whom the employee is affiliated in a nongovernmental capacity
- An employee has a duty to protect and conserve Government property and shall not use such property, or allow its use, for other than authorized purposes
- . . . an employee shall use official time in an honest effort to perform official duties

Analysis of Telephone Records and Transcripts

The OIG and FBI review of telephone records and transcripts found information regarding the timing of events related to the telephone calls between the CW and [REDACTED] on January 12, 2007, and January 16, 2007. The review determined the telephone conversation in which [REDACTED] referenced having a contact in the FBI most likely took place on January 16, 2007, at 10:14 a.m., and lasted less than 7 minutes. This is significant because [REDACTED] conducted the ACS search of [REDACTED] at 10:13 a.m. but did not view any documents until after 10:14 a.m.

The OIG and FBI's investigation found that [REDACTED] did not have an opportunity to view information from the ACS, take notes, and report back to [REDACTED] prior to the end of [REDACTED] telephone conversation with the CW on January 16, 2007.

The OIG and FBI investigation further determined that no telephone calls were discovered between [REDACTED] and DiOrio at any time and that the telephone records did not reflect that [REDACTED] received any telephone calls during his conversation with the CW on January 16, 2007. Finally, the transcript of the telephone conversation between the CW and [REDACTED] on January 16, 2007, confirmed that [REDACTED] never said that his FBI contact queried internal FBI records.

Transcript of Conversation Between CW and [REDACTED] (Call # 3, Page 22)

CW: I know but the other day, when, I said, you, you, you put me on hold, you said let me check something so I thought maybe you—.

[REDACTED] I checked to see if my guy was in there to see if the guy, the guy presently was working, this, this who's the guy who knew he worked there actually knew him.

CW: Oh, okay.

[REDACTED] Cause he talked to him, talked to him. And, they and neither one of them were available. But when I talked to them, I talked to my buddy down in the FBI, he, he basically said in a nut-shell why is she, why is she crazy about this guy. If, if the guy's gonna do something he's gonna, and if ain't done it by now, chances are he's not.

CW: Right, but I just want to make sure it was put to rest.

[REDACTED] (U) I'm gonna tell you what my friend told me. Stop fucking with you. He said stop fucking with you; anybody that's this concerned about the FBI investigating them, is somebody I don't need to know.

period. That's what my friend told me. stop. stop dealing with you period.

Accessing and Divulging ACS Records and Sensitive Information

In the course of conducting the investigation, the OIG and FBI learned of several unauthorized ACS searches by [REDACTED]

FBI Special Agent [REDACTED]

The OIG and FBI utilized specialized investigative techniques, including, but not limited to, daily monitoring of [REDACTED] FBI computer and Pen Registers to capture all incoming and outgoing telephone calls from [REDACTED] home telephone and FBI cellular telephone. A review of the telephone records did not disclose any contact between [REDACTED]

The OIG and FBI's ACS audit found no evidence to substantiate the allegations that [REDACTED] conducted unauthorized ACS searches relating to [REDACTED]. The OIG and FBI investigation determined that [REDACTED] searched [REDACTED] name using ACS on only one occasion (January 16, 2007) and that [REDACTED] did not conduct any other type of ACS searches to obtain information relating to the FBI's investigation of [REDACTED]. According to FBI Special Agent [REDACTED], FBI Supervisory Special Agent [REDACTED] confronted [REDACTED] shortly after [REDACTED] ACS queries of [REDACTED] were questioned. [REDACTED] told [REDACTED] that [REDACTED] claimed that he searched [REDACTED] name using ACS because [REDACTED] represented a target of one of his investigations. [REDACTED] also revealed that she had a conversation with [REDACTED] and that he was consistent in his reason for searching [REDACTED] using ACS.

The OIG and FBI's investigation did find that [REDACTED] conducted unauthorized ACS searches of himself, FBI employees, former employers, and his brother-in-law, for no official business purpose and in violation of FBI policy.

In an interview with the OIG and FBI, [REDACTED] said he searched [REDACTED] name because he was trying to locate [REDACTED]'s office telephone number when [REDACTED] represented a witness in a white collar FBI investigation. [REDACTED] also admitted that he conducted unauthorized ACS searches of himself, FBI employees, his former employer (Progressive Insurance), his brother-in-law, [REDACTED] and other individuals. [REDACTED] said that he conducted these searches and viewed the information out of curiosity and boredom. He denied that he was ever asked to conduct these unauthorized ACS searches by any of the persons whose names were searched or that he disclosed the results of the searches to them.

On November 6, 2008, the OIG administered a voluntary polygraph examination to [REDACTED]. The OIG polygraph examiner provided the opinion that [REDACTED] showed no deception to the following relevant questions:

- Did you ever provide any sensitive information to [REDACTED]? *Answer: No*
- Are you intentionally withholding the reason for searching [REDACTED] in ACS? *Answer: No*

[REDACTED]

An OIG and FBI review of [REDACTED] ACS activity determined that [REDACTED] did not conduct unauthorized ACS searches relating to [REDACTED]; however, the OIG and FBI investigation did find that [REDACTED] routinely conducted unauthorized ACS searches relating to herself, her husband, FBI informants, and ongoing FBI public corruption investigations of the Newark Police Department, for no official business purpose and in violation of FBI policy.

When interviewed by the OIG and FBI, [REDACTED] admitted that she conducted unauthorized ACS searches of herself, her husband, FBI informants, and ongoing FBI public corruption investigations concerning the Newark Police Department. [REDACTED] said that she conducted these searches and viewed the information out of curiosity but denied that she was ever asked to conduct these unauthorized ACS searches by [REDACTED] her husband, or anyone associated with them. She also denied that she disclosed the results of her unauthorized searches to anyone.

On August 27, 2008, the OIG administered a voluntary polygraph examination to [REDACTED]. The OIG polygraph examiner provided the opinion that [REDACTED] showed no deception to the following relevant questions:

- Did you knowingly provide any FBI database information to your husband [REDACTED]? *Answer: No*
- Did you knowingly provide any FBI database information to [REDACTED]? *Answer: No*

Issues Related to the Ongoing FBI Investigation

According to FBI Newark Division Assistant Special Agent in Charge [REDACTED], the FBI's current investigation of [REDACTED] has not been compromised, and, in fact, the FBI anticipates arresting [REDACTED] in the upcoming months. Neither the OIG's nor FBI's investigation found any evidence that [REDACTED] actually contacted a law enforcement official prior to speaking to the CW. [REDACTED] was not interviewed by the OIG and FBI because an interview of [REDACTED] could jeopardize the FBI's investigation of [REDACTED].

Declination of Prosecution

The United States Attorney's Office, District of New Jersey, declined prosecution of [REDACTED] for violating 18 U.S.C. § 1030(A)(2)(B) (fraud and related activity in connection with computers) due to insufficient evidence to support a federal prosecution.

The OIG has completed its investigation and is providing this report to the FBI for appropriate action.

ABBREVIATED REPORT OF INVESTIGATION

| | | |
|--|---|---|
| SUBJECT Drug Enforcement Administration Juarez, Mexico | | CASE NUMBER 2009-000019 |
| OFFICE CONDUCTING INVESTIGATION El Paso Area Office | | DOJ COMPONENT Drug Enforcement Administration |
| DISTRIBUTION <input checked="" type="checkbox"/> Field Office DFO <input checked="" type="checkbox"/> AIGINV <input checked="" type="checkbox"/> Component DEA <input type="checkbox"/> USA <input type="checkbox"/> Other | STATUS <input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Date of Previous Report: | |

SYNOPSIS

The Office of the Inspector General (OIG) initiated this investigation on November 5, 2008, based on information from the Bureau of Immigration and Customs Enforcement (ICE), El Paso, Texas, alleging that Resident Agent in Charge [REDACTED] Drug Enforcement Administration (DEA), Juarez, Mexico, may have released sensitive law enforcement information to Chihuahua, Mexico, Attorney General [REDACTED]. The allegation was disclosed by an ICE confidential informant. The informant also alleged that the relationship between [REDACTED] and [REDACTED] appeared to be more than professional. In addition, an ICE supervisor reported that he suspected [REDACTED] informed [REDACTED] she was under investigation by ICE, based upon his perception that [REDACTED] demeanor towards him changed once ICE informed [REDACTED] that [REDACTED] and her brother, [REDACTED] were under investigation.

In an interview conducted by the OIG, the cooperating ICE confidential informant provided his account of the association between [REDACTED] and [REDACTED]. According to the informant, [REDACTED] told the informant that [REDACTED] provided her with nonspecific "job related information." The informant also gave an account of attempting to assist [REDACTED] in obtaining a surveillance tape from [REDACTED]. The electronic audio recording reportedly detailed a suspected surveillance of [REDACTED] conducted in Mexico by a drug cartel. According to the informant, [REDACTED] said that [REDACTED] was aware of this cartel recording, and she would arrange a meeting in Juarez between the informant and [REDACTED] would provide the informant a copy of the audio recording to present to [REDACTED]. To prove his allegation, the informant said that prior to providing this recording to [REDACTED] the informant would make a copy and provide it to the OIG.

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|---|----------------------------------|
| DATE January 13, 2009 | SIGNATURE [REDACTED] |
| PREPARED BY SPECIAL AGENT [REDACTED] | |
| DATE January 13, 2009 | SIGNATURE <i>Wayne D. Beaman</i> |
| APPROVED BY SPECIAL AGENT IN CHARGE Wayne D. Beaman | |

The ICE informant characterized the relationship of [REDACTED] and [REDACTED] as "strange" because they were often seen walking and talking together in public. Based upon the frequent instances of drug cartels killing persons believed to be cooperating with law enforcement in Mexico, the informant said it was unusual for Mexican government officials to openly associate with American law enforcement officials. On November 18, 2008, ICE advised the OIG that on November 15, 2008, the cooperating confidential informant was assassinated in Mexico and that the promised audio recording was not obtained.

During his OIG interview on December 8, 2008, [REDACTED] admitted only to professional and appropriate contacts with [REDACTED]. [REDACTED] acknowledged that, based upon the DEA's "vicarious liability" responsibility, he has provided suspected surveillance and assassination attempt information to [REDACTED]. [REDACTED] confirmed the existence of drug cartel audio recordings relating to various surveillances and assassinations. [REDACTED] explained that through "Top Secret" federal electronic monitoring programs, he receives these sensitive electronic recordings impacting the DEA. Since this intelligence is obtained through clandestine means, [REDACTED] said he disseminates pertinent information to appropriate law enforcement officials without identifying the source or providing the actual recording. [REDACTED] also acknowledged providing [REDACTED] with official diplomatic reports approved and signed by DEA Regional Director [REDACTED]. In deference to ICE confidentiality standards, [REDACTED] was not questioned specifically about the reporting confidential informant.

[REDACTED] denied the unauthorized release of any information or materials to [REDACTED]. [REDACTED] said that he was aware of an ongoing ICE investigation of [REDACTED], for possible money laundering, but he denied telling [REDACTED] that she or [REDACTED] was under investigation by ICE. [REDACTED] also denied being romantically involved with [REDACTED].

[REDACTED] declined to take an OIG polygraph examination relating to the reported allegations.

This investigation did not develop sufficient evidence to substantiate allegations that [REDACTED] released unauthorized law enforcement information to [REDACTED].

The OIG has completed its investigation and is providing this report to the DEA for its review.

U.S. Department of Justice
Office of the Inspector General

ABBREVIATED REPORT OF INVESTIGATION

| | | | |
|--|--|--|--|
| SUBJECT Federal Bureau of Investigation New York, New York | | CASE NUMBER 2009-000449 | |
| OFFICE CONDUCTING INVESTIGATION New Jersey Area Office | | DOJ COMPONENT Federal Bureau of Investigation | |
| DISTRIBUTION | | STATUS | |
| <input checked="" type="checkbox"/> Field Office | | <input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED | |
| <input checked="" type="checkbox"/> AIGINV | | PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input type="checkbox"/> NO | |
| <input checked="" type="checkbox"/> Component FBI | | Date of Previous Report: | |
| <input type="checkbox"/> USA | | | |
| <input type="checkbox"/> Other | | | |

SYNOPSIS

This joint investigation of the Office of the Inspector General (OIG) and Federal Bureau of Investigation (FBI) was initiated upon receipt of information from the FBI Inspection Division, Internal Investigations Section, alleging unauthorized access to and release of law enforcement data by FBI [REDACTED] New York Division.

On October 22, 2008, the FBI Newark Division reported to the OIG that an FBI Cooperating Witness (CW), who was assisting the FBI with a Group 1 Undercover Investigation concerning public corruption matters, had an unplanned encounter with [REDACTED] during which [REDACTED] name arose. [REDACTED] was not a target or subject of the Group 1 Undercover Investigation. However, the FBI CW decided to record his October 14, 2008, conversation with [REDACTED] in the event that [REDACTED] referenced individuals from Wextrust Capital, an investment firm under investigation by the FBI New York Field Office.

During the recorded conversation, [REDACTED] claimed that the "Regional Director" of the FBI from New York [REDACTED] called him and told him about an investigation (possibly referring to Wextrust Capital) and stated that the government had every e-mail ever sent. [REDACTED] also claimed that when an individual named [REDACTED] from Lakewood, New Jersey, was being investigated by the FBI, [REDACTED] called him and said "that if you can work out a deal where he can pay people back quick enough, we're not gonna take him down."

The OIG and FBI investigation did not substantiate [REDACTED] allegations.

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|-------------------------------------|-------------|--------------------|------------|
| DATE | NOV 16 2009 | SIGNATURE | [REDACTED] |
| PREPARED BY SPECIAL AGENT | | | |
| DATE | NOV 16 2009 | SIGNATURE | [REDACTED] |
| APPROVED BY SPECIAL AGENT IN CHARGE | | James E. Tomlinson | |

Regarding [REDACTED] information about [REDACTED] the investigation found that [REDACTED] was listed as a "Referenced Individual" in the FBI's Automated Case Support (ACS) System for a particular case. According to FBI Special Agent [REDACTED] the case agent, [REDACTED] was a witness and never a subject of her investigation. [REDACTED] denied that anyone, including [REDACTED] influenced any aspect of her investigation.

The OIG reviewed the FBI Security Division's Enterprise Security Operations Center (ESOC) audit reports relating to Classified and Unclassified e-mail messages from [REDACTED] and his administrative staff. The review confirmed that neither [REDACTED] nor his administrative staff e-mailed [REDACTED]

The OIG reviewed pen register and subpoenaed records of [REDACTED] cellular telephone to determine if he contacted [REDACTED]. The records indicated that between November 5, 2007, and January 2, 2009, [REDACTED] did not utilize his cellular telephone to contact [REDACTED] at his home, office, or on his U.S. Government cellular telephone.

The OIG conducted undercover activity to further test [REDACTED] allegations about [REDACTED]. The OIG had the FBI Security Division create a fictitious restricted FBI sub file in the ACS and a fictitious outstanding warrant for an individual on the FBI's National Crime Information Center (NCIC) database. During OIG directed undercover activity, the CW provided the name of the fictitious individual to [REDACTED]. During subsequent recorded meetings, [REDACTED] told the CW that the information was queried by [REDACTED] (Rockland County Sheriff's Department, New York), who was assigned to an FBI Task Force. The OIG subsequently reviewed the FBI's ESOC audit reports of ACS activity and determined that neither [REDACTED] nor any other FBI employee or Task Force Officer (TFO) ever queried the fictitious FBI subfile. The OIG also found that there were no queries of NCIC about the fictitious individual.

Upon the completion of the FBI Newark's Group 1 Undercover Investigation, the OIG attempted to interview [REDACTED] about his allegations. After several attempts by the OIG to obtain a voluntary statement from [REDACTED] [REDACTED]'s attorney told the OIG that [REDACTED] had met [REDACTED] on one occasion at an event where [REDACTED] was a guest speaker. [REDACTED] attorney reported further that [REDACTED] was "puffing" about his relationship with [REDACTED] and never received any sensitive law enforcement information from [REDACTED] or anyone else at the FBI.

The OIG also interviewed [REDACTED] whom [REDACTED] implicated. [REDACTED] adamantly denied ever providing [REDACTED] with any law enforcement information.

[REDACTED] retired from the FBI in December 2008.

Because the OIG's investigation found no evidence that any sensitive law enforcement information was ever queried or released and [REDACTED] admitted to fabricating his relationship with [REDACTED], the OIG is closing this matter.

The OIG has completed its investigation and is providing this report to the FBI for its information.

ABBREVIATED REPORT OF INVESTIGATION

| | | |
|---|--|---|
| SUBJECT Drug Enforcement Administration Miami, Florida | | CASE NUMBER 2009-001076 |
| OFFICE CONDUCTING INVESTIGATION Miami Field Office | | DOJ COMPONENT Drug Enforcement Administration |
| DISTRIBUTION <input checked="" type="checkbox"/> Field Office MFO <input checked="" type="checkbox"/> AIGINV HQ <input checked="" type="checkbox"/> Component DEA <input type="checkbox"/> USA <input type="checkbox"/> Other | STATUS <input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Date of Previous Report: | |

SYNOPSIS

This joint investigation with the Drug Enforcement Administration (DEA) Office of Professional Responsibility (OPR) was initiated based on information the DEA received from an anonymous source of information (SOI) that a drug trafficking organization (DTO) that imports cocaine from Venezuela into the United States received sensitive law enforcement information from a female who works for DEA in Miami, Florida. The SOI alleged that "[REDACTED]" a member of the DTO dated a Cuban-American female DEA contract employee located in Miami, Florida, who aided the DTO by providing sensitive law enforcement information. Allegedly, the female DEA contract employee accessed the DEA computer system in order to obtain information regarding possible investigations involving the DTO. Information from the DEA Miami Division indicated contract employee [REDACTED] matched the description of the DEA contract employee described by the SOI.

The Office of the Inspector General and DEA OPR interviewed [REDACTED] a DEA contract employee with Sabre Systems Incorporated, who stated that she and [REDACTED] worked in the same office and that [REDACTED] dated an individual named [REDACTED]. Record checks did not link [REDACTED] with a DTO.

During their interviews with the OIG, [REDACTED] separately stated they met and began dating around the beginning of 2006. They stated their relationship lasted for approximately 3 years. [REDACTED] denied any involvement with a DTO. [REDACTED] denied she provided sensitive law enforcement information to any unauthorized persons, including [REDACTED] or that she accessed her DEA computer in order to provide sensitive law enforcement information to any unauthorized persons, including [REDACTED]. [REDACTED] denied

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| DATE August 5, 2009 | SIGNATURE [REDACTED] |
| PREPARED BY SPECIAL AGENT [REDACTED] | |
| DATE August 5, 2009 | SIGNATURE [REDACTED] |
| APPROVED BY SPECIAL AGENT IN CHARGE Teresa Gulotta-Powers [REDACTED] | |

he received sensitive law enforcement information from [REDACTED] or that he had any knowledge that [REDACTED] provided sensitive law enforcement information to any unauthorized individuals.

[REDACTED] submitted to a voluntary OIG-administered polygraph examination that indicated she was being truthful in her assertions that she did not provide sensitive law enforcement information to any unauthorized persons.

The OIG investigation did not substantiate the information provided by the SOI that [REDACTED] provided sensitive law enforcement information to unauthorized individuals.

The OIG has completed its investigation and is providing this report to the DEA for its review.

U.S. Department of Justice
Office of the Inspector General

REPORT OF INVESTIGATION

SUBJECT

Unidentified FBI Information Leak

CASE NUMBER

2009-000982

OFFICE CONDUCTING INVESTIGATION

Washington Field Office

DOJ COMPONENT

Federal Bureau of Investigation

DISTRIBUTION

☒ Field Office WFO
☒ AIGINV HQ
☒ Component FBI
☐ USA
☐ Other

STATUS

☐ OPEN ☐ OPEN PENDING PROSECUTION ☒ CLOSED

PREVIOUS REPORT SUBMITTED: ☐ YES ☒ NO

Date of Previous Report:

SYNOPSIS

This investigation was initiated based on the receipt of information that a civilian provided unclassified documents from the Federal Bureau of Investigation (FBI) Automated Case Support (ACS) system to the Office of the United States Trustee (OUST). [REDACTED] OUST Eastern District of Virginia (EDVA), reported to the FBI that the documents included an FBI Washington Field Office (WFO) "Rapid Start" Information Control Form (control number WF1721) and ACS screen printouts (from FBI case file [REDACTED]). According to [REDACTED] the documents were "most likely" received from [REDACTED] persons connected to him in a bankruptcy proceeding. Specifically, the Information Control Form WF1721, authored by FBI Special Agent (SA) [REDACTED], FBI WFO, detailed a complaint made on July 17, 2008, by [REDACTED] regarding potential bankruptcy fraud and fraudulent Internal Revenue Service filings by [REDACTED]. The screen printouts of [REDACTED], serial 7, documented the interview of [REDACTED] by FBI SA [REDACTED] on April 17, 2008.

The Office of the Inspector General (OIG) determined that the Information Control Form and serial 7 documents were printed on July 18, 2008, by [REDACTED] as part of her duties at the FBI WFO, Command and Tactical Operations Center (CTOC), Washington, D.C., documenting the receipt of [REDACTED] complaint and setting leads for the FBI WFO. On or about July 18, 2009, copies of these documents, including documents provided by [REDACTED], were forwarded to the FBI Northern Virginia Resident Agency (NVRA) squad CR-13 (economic crimes) and squad ID-13 (criminal operations intelligence) at the FBI WFO. Another copy was maintained in the duty binder at the CTOC, with no other copies reportedly forwarded to any other recipients.

[REDACTED] told the OIG that he believed the ACS documents were included in a package of documents

DATE September 29, 2009

SIGNATURE [REDACTED]

PREPARED BY SPECIAL AGENT

DATE

SIGNATURE [REDACTED]

APPROVED BY SPECIAL AGENT IN CHARGE [REDACTED] Gene E. Morrison

provided to him by [REDACTED] between July 18 and September 24, 2008. [REDACTED] added that [REDACTED] had acknowledged in an e-mail having received FBI documents from Intellectual Access, Inc., an information gathering company. [REDACTED] had no further confirmation of the source of the documents or the exact date when they were received. [REDACTED] however, told the OIG he had never seen the documents before or provided them to [REDACTED]. According to his e-mail was a reference to tax and judgment lien information produced by Intellectual Access, Inc., because he believed it contained FBI searches. [REDACTED] later told the OIG that during a meeting of creditors with [REDACTED] "assistant" (determined to be [REDACTED]) commented on being able to obtain copies of related FBI documents.

[REDACTED] OUST, EDVA, confirmed to the OIG an April 2008 meeting of creditors connected to the bankruptcy petition filing of [REDACTED] that included [REDACTED]. [REDACTED] stated that he did not recall any references to the FBI during the meeting and did not obtain any FBI documents on behalf of the OUST.

[REDACTED] told the OIG that he does not have access to FBI case related documents and never provided such documents to Park or anyone else.

[REDACTED] FBI, NVRA, identified the ACS documents for the OIG. The agents noted that, at the time, an active grand jury investigation of a matter related to bankruptcy fraud was being conducted involving [REDACTED]. Although the OIG was not privy to the details of the investigation due to grand jury secrecy rules, the NVRA agents confirmed that the ACS screenshots were an FBI FD-302 derived from an interview conducted for a fraud investigation. According to the agents, they did not suspect anyone's involvement despite being unable to locate the complaint package in NVRA case files and "Zero" files. The agents denied they had disseminated the documents.

[REDACTED] denied providing the documents to Park, Intellectual Access, Inc., or any other external entity or to [REDACTED] or any other employees of the OUST. However, [REDACTED] conceded that although he had no recollection of doing so, he may have provided the documents to [REDACTED] inadvertently. [REDACTED] acknowledged that if he had received materials that he felt were related to a case [REDACTED] was working on, it was conceivable that he would have provided [REDACTED] those documents, perhaps without realizing that official FBI documents were in the materials.

[REDACTED], OUST, EDVA, described working with [REDACTED] on bankruptcy fraud cases. According to [REDACTED] he received investigative FBI documents directly from [REDACTED] via either facsimile or hand delivery, and the presence of FBI documents in the OUST without his knowledge would be unusual. [REDACTED] had no recollection of discussing [REDACTED] filing with [REDACTED] prior to [REDACTED] discovery of the FBI documents and denied any role in obtaining the documents.

The OIG was unable to determine how the FBI documents in question came into the possession of [REDACTED] or the OUST, but the logical explanation is that they came from the FBI NVRA as part of official interaction. The OIG determined that FBI policy authorizes and encourages the appropriate dissemination of investigative information with other agencies within the Executive Branch that have a legitimate interest in the subject matter. However, the OIG is concerned that none of the FBI personnel interviewed could confirm when and by whom the documents in question were provided to the OUST.

The OIG has completed its investigation and is providing this report to the FBI for its review and appropriate action.

DETAILS OF INVESTIGATION

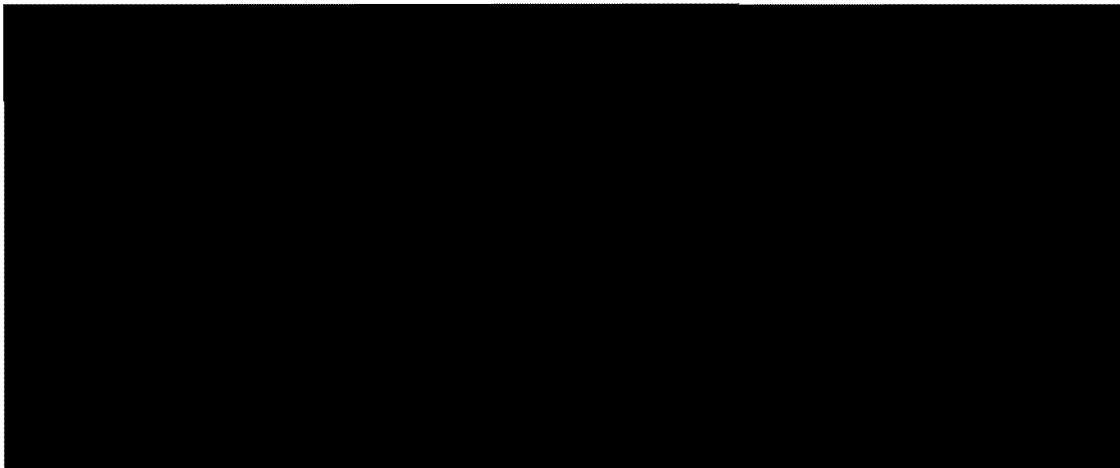
Predication

This investigation was initiated based on the receipt of information that a civilian provided unclassified documents from the FBI ACS System to [REDACTED] reported to the FBI that the documents, which included a copy of an FBI WFO Rapid Start Information Control Form (WF1721) and screen printouts from ACS of an FD-302 from FBI case file 290-WF-236344, serial 7, may have been received from [REDACTED] a creditor in a bankruptcy proceeding [REDACTED] was involved with. Specifically, Information Control Form WF1721 detailed a complaint made on July 17, 2008 by [REDACTED] regarding potential bankruptcy fraud and fraudulent Internal Revenue Service filings by [REDACTED], and the screen printouts of 290-WF-236344, serial 7, documented the interview of [REDACTED] by FBI Special agent (SA) [REDACTED] on April 17, 2008.

Investigative Process

The OIG investigation consisted of interviews of the following individuals:

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The investigation also included the review of e-mail records, FBI ACS records, FBI Policy, bankruptcy records, and official interview transcripts.

Bankruptcy Connection to FBI Documents

[REDACTED] OUST, EDVA, described the bankruptcy and FBI document connection to the OIG.

Petition for Bankruptcy

According to [REDACTED] the owner of a restaurant known as "Men in Black," filed a petition for bankruptcy on or about March 12, 2008, and her creditors were notified of the filing approximately a week later. After [REDACTED] creditors received notice of her bankruptcy petition, [REDACTED] an attorney who represented several of [REDACTED] disgruntled creditors, contacted Assistant U.S. Trustee [REDACTED] regarding the matter. [REDACTED], in turn, requested that [REDACTED] speak with [REDACTED] since [REDACTED] had been assigned to [REDACTED] case. [REDACTED] recalled that he eventually spoke via telephone with [REDACTED], whom [REDACTED] assessed to be the primary "leader" of [REDACTED] disgruntled creditors. [REDACTED] stated that he could have received [REDACTED] contact information from [REDACTED] but did not recall exactly how he originally came into contact with [REDACTED].

[REDACTED] explained that informal meetings with aggrieved creditors, which occur prior to the formal "meeting of creditors," are rare and useful inasmuch as they may introduce pertinent facts or issues not reported by the debtor. On April 17, 2008, Bove met informally with four of [REDACTED] creditors – whom [REDACTED] identified as [REDACTED] – at the OUST, EDVA, in Alexandria, Virginia. During this meeting, all of the aforementioned creditors informed [REDACTED] that they were owed money from [REDACTED] and alleged that her bankruptcy claim was fraudulent. [REDACTED] assured the creditors that their input was appreciated and would be considered.

According to [REDACTED] on April 21, 2008, the formal meeting of creditors occurred in the matter involving [REDACTED] and during this time, [REDACTED] and other creditors appeared and were allowed to address their concerns appropriately. On April 23, 2008, [REDACTED] contacted [REDACTED] via e-mail and suggested that he provide any pertinent documentation corroborating the creditors' claims so that the OUST could review them. [REDACTED] agreed to do so.

Documents Reportedly Received From [REDACTED]

[REDACTED] reported to the OIG that between July 18 and September 24, 2008, he received the package from [REDACTED] containing documentation related to the claims of [REDACTED] creditors. [REDACTED] said he reviewed the contents of the package and noted that one of the documents appeared to be an FBI FD-302 related to [REDACTED] regarding the presence of the FD-302 as unusual; however, he was more interested in the content of the information contained within the FD-302. Specifically, he recalled the FD-302 indicated that [REDACTED] informed the FBI she was a victim of financial fraud.

On September 24, 2008, [REDACTED] sent the referenced FD-302 along with other information supplied by [REDACTED] to FBI [REDACTED] NVRA, in order to obtain any additional information related to [REDACTED] allegations. Shortly thereafter, [REDACTED] contacted [REDACTED] and asked how he obtained the FBI documentation. [REDACTED] informed [REDACTED] that the information in question had been provided by [REDACTED] and [REDACTED] agreed to ask [REDACTED] about the source of the information. [REDACTED] subsequently informed [REDACTED] that he obtained the FBI information from Intellectual Access, Inc., an information gathering company. [REDACTED] stated that Intellectual Access had been hired by the law firm of [REDACTED] as reported in an e-mail dated September 29, 2008 that [REDACTED] received from [REDACTED] further stated that [REDACTED] represented [REDACTED] an individual who was initially interested in purchasing Men in Black in approximately December 2007 but later declined to do so.

The OIG reviewed the referenced package of documents that [REDACTED] reportedly received from [REDACTED]. The materials included FBI reports and other documents pertaining to [REDACTED] and Men in Black obtained from unknown sources. These documents are described as follows:

- FBI Rapid Start Information Control Report, Unclassified, Control Number: WF1721, Case ID: 62F-WF-C235359 (2 pages), prepared by SA [REDACTED]. This document pertains to the complaint by [REDACTED] and receipt of information from [REDACTED] by the CTOC. Document indicates it was printed on July 18, 2008, at 8:20 a.m.
- FBI ACS Document, pertaining to [REDACTED] part of ACS Serial 7 (3 pages). Document indicates it was printed on July 18, 2008, at 7:51 a.m.
- FBI ACS Document, bearing Case ID: 290-WF-236344, Serial 7, pertaining to interview of [REDACTED] by SA [REDACTED] on April 18, 2007 (24 pages). Document indicates it was printed July 18, 2008, at 7:52 a.m.
- Facsimile Transmission Cover Sheet from [REDACTED] to Intellectual Access, Inc., re "Tax & Judgment Lien, UCC (Financing Statement) Searches," dated February 13, 2008, 1 page.
- Document entitled "Result of Lien Search: Men in Black, [REDACTED]" dated February 15, 2008, 28 pages.
- Miscellaneous documents, including "SBA 2007 Business Loan Detail" reports and "VA ABC Initial Hearing Dockets" schedules, undated, 17 pages.
- Untitled Letter, from [REDACTED] to Duty Agent/Officer, FBI WFO, re: [REDACTED] dated June 24, 2008, 1 page.

[REDACTED] stated he has no knowledge as to how the FBI information was obtained, and that he has no knowledge of anyone within the FBI who might have provided the information to [REDACTED] or anyone else. According to [REDACTED] [REDACTED] never informed him he possessed privileged FBI information or that he had any contacts within the FBI. [REDACTED] further stated he never informed [REDACTED] that he was not authorized to possess the FBI information he claimed to have received from Intellectual Access, Inc.

The ACS Document Process

The OIG contacted Unit Chief [REDACTED] and Unit Chief [REDACTED] FBI, Information Technology Operations Division, and determined that the referenced Rapid Start and ACS documents were accessed and printed by SA [REDACTED], FBI WFO.

The OIG interviewed SA [REDACTED], who serves as the Primary Relief Supervisor assigned to Squad A-12, CTOC, at the FBI WFO. After reviewing a binder located in CTOC that contained copies of processed complaints, she verified that she had prepared Information Control Form WF1721 and obtained the related indices results from her review of the FBI's ACS database on July 17, 2008, as a result of the information received from [REDACTED]. As part of her routine duties at the CTOC, [REDACTED] queried ACS and determined that [REDACTED] was interviewed by SA [REDACTED] on April 18, 2007. [REDACTED] made copies of the Information Control

Form WF1721, the Serial 7 documents, and other documentation provided by [REDACTED] and forwarded copies to the FBI NVRA squad CR-13 (economic crimes) and squad ID-13 (criminal operations intelligence) at the FBI WFO. Another copy was maintained in the duty binder at the CTOC. [REDACTED] stated that the document copies maintained at the CTOC would have holes punched in them to be accommodated in the binder; therefore, any copies made from the CTOC complaint binder would likely show the hole punches.

[REDACTED] stated that she did not disseminate the ACS documents to any other recipient, and she had no knowledge as to how Information Control Form WF1721 and the related ACS materials were obtained or disseminated to unauthorized recipients

A Denial From [REDACTED]

The OIG interviewed [REDACTED], a self-employed consultant and the sole proprietor of PTI Consulting, LLC, and presented him with the three predating FBI documents for his inspection. [REDACTED] denied that he had ever seen, produced, or disseminated those documents, and stated that he had never requested, disseminated, or viewed any FBI documents at any time. [REDACTED] regarded the documents as "unusual" in appearance because they did not look like other documents he had supplied to [REDACTED] and displayed an atypical print font. The OIG confronted [REDACTED] with a copy of an e-mail, dated September 29, 2008, wherein [REDACTED] informed [REDACTED] that the "tax and Lien and Judgment/FBI searches information was obtained from; [sic] Intellectual Access, Inc..." [REDACTED] acknowledged having sent the e-mail; however, he stated that the material he referred to in his e-mail message was not the three FBI documents shown to him by the OIG.

[REDACTED] was shown two documents pertaining to tax and judgment lien search information and confirmed that these documents – which related to a request from [REDACTED] and Associates for Intellectual Access, Inc., to obtain tax and judgment lien information relating to "Men in Black" as well as [REDACTED] – were the documents he was referring to in the aforementioned e-mail message to [REDACTED] also stated that he received these documents from an attorney named [REDACTED] but did not know how [REDACTED] obtained them.

The OIG asked [REDACTED] why he mentioned FBI searches in his message to [REDACTED] answered that he was merely responding to [REDACTED] original e-mail message wherein [REDACTED] asked him about an FBI interview of [REDACTED] [REDACTED] stated he assumed [REDACTED] was referring to the tax and judgment lien information produced by Intellectual Access, Inc., because he believed it contained FBI searches. [REDACTED] further explained that he assumed the information collected by Intellectual Access, Inc., was comprehensive in nature and included pertinent FBI information available to the public. When the OIG informed [REDACTED] that information collected by the FBI was not publicly available, [REDACTED] appeared surprised and reiterated that he believed [REDACTED] query pertained to the information produced by Intellectual Access, Inc.

[REDACTED] Involvement With [REDACTED] Creditors

[REDACTED] learned of [REDACTED] bankruptcy filing on an unknown date when he was notified by the court system. Shortly

thereafter, in approximately February or March 2008, he was contacted by [REDACTED] a realtor who identified himself as another creditor of [REDACTED] asked [REDACTED] if he was interested in attending a meeting of [REDACTED] aggrieved creditors to discuss her bankruptcy petition and to explore their options for recourse. [REDACTED] affirmed his interest and allowed the meeting to occur at his office in Annandale, Virginia. According to [REDACTED] approximately 20 to 30 creditors, including [REDACTED] realtors, lenders, and employees, attended the aforementioned meeting. [REDACTED] was identified as the "clearing house" that was responsible for collecting documentation supporting the creditors' claims and agreed to serve as the contact point for the group, given his superior English-speaking skills. [REDACTED] stated that he did not maintain records detailing what documents he had received from whom and was unable to recall the origin of some documents, given the number of parties involved.

Sometime thereafter, [REDACTED] met with an attorney, [REDACTED], to discuss their belief that [REDACTED] had fraudulently filed for bankruptcy in an effort to avoid her debts. [REDACTED] informed them that they could present information concerning [REDACTED] to the OUST and that they could present information pertaining to any criminal conduct by [REDACTED] to the FBI WFO.

[REDACTED] Interactions With [REDACTED]

[REDACTED] said he contacted Bove after speaking with Stern. Sometime prior to the meeting of creditors on April 21, 2008, [REDACTED] met informally with [REDACTED] to express their concerns regarding the bankruptcy filing of [REDACTED]. After the informal meeting, [REDACTED] copied the documents he had collected from [REDACTED] creditors and sent them to [REDACTED]. The envelope also included information [REDACTED] had acquired from public Internet sites, such as the Small Business Administration (SBA) and the Virginia Department of Alcoholic Beverage Control (ABC), that pertained to [REDACTED] or the Men in Black establishment and photographs of the Men in Black restaurant, including a sign indicating that the facility was temporarily closed for remodeling. [REDACTED] confirmed that copies of documents the OIG previously obtained from [REDACTED] were identical to those he had personally produced. [REDACTED] could not recall how he sent the aforementioned materials to [REDACTED] but believed that he did so prior to May 1, 2008.

[REDACTED] recalled that he provided additional materials to [REDACTED] on two more occasions. In July 2008, [REDACTED] supplied [REDACTED] publicly available information regarding [REDACTED] liquor license as well as newspaper articles regarding [REDACTED]. Sometime between September and October 2008, [REDACTED] supplied publicly available information regarding a new business called "Super Q Mart" that [REDACTED] was reportedly involved in. [REDACTED] did not recall any other instances wherein he provided information to [REDACTED].

During a follow-up interview with the OIG, [REDACTED] further recalled that during the meeting of creditors on April 21, 2008, an "assistant" to [REDACTED] stated that he could obtain a copy of the FBI's report pertaining to [REDACTED] allegation and provide same to [REDACTED] described [REDACTED] assistant as a white male in his late 60s. [REDACTED] did not know if the individual ever obtained the referenced report. The OIG determined that this individual was [REDACTED].

Interactions With the FBI

According to [REDACTED], based upon a suggestion from [REDACTED] he sent to the FBI WFO an identical copy of the materials he had provided to [REDACTED] called the office telephone number listed on the FBI website and spoke with an unknown female on an unknown date. She instructed [REDACTED] to send to the office any pertinent materials concerning fraud and to await further contact by the FBI. [REDACTED] sent the materials to the FBI WFO via Federal Express immediately thereafter, and he had not received any acknowledgment from the FBI to date. Other than the aforementioned conversation with the FBI WFO, [REDACTED] had no other contact with the FBI and was not personally acquainted with anyone employed by the FBI.

The Review of the Documents [REDACTED] Reported He Provided to the FBI

[REDACTED] stated that he maintained all of the original documents he had received from [REDACTED] creditors in a file at his home. [REDACTED] relinquished the file to the OIG at the conclusion of his interview and stated that it represented all the information he was in possession of and that he did not alter or destroy any documents in this matter. The OIG's review of these documents revealed no FBI documents.

Denial

The OIG interviewed [REDACTED] Vice President, Sub-Prime Financials, Inc., and one of the [REDACTED] creditors. Although [REDACTED] suggested [REDACTED] was a document source, when presented with the FBI ACS and Rapid Start documents in question, [REDACTED] denied having ever requested, disseminated, or seen these documents. He was also unaware of any of the creditors claiming to have access to FBI documents.

Intellectual Access Documents

The OIG interviewed [REDACTED] the proprietor and sole employee of Intellectual Access, Inc., which conducts legal research for clients representing parties, typically buyers or lenders, involved in real estate settlement transactions. At the request of a client, [REDACTED] obtains official public documents, such as court judgments and financial statements that pertain to the individual or company of interest to the client.

[REDACTED] subscribes to several public Internet websites, such as the Virginia State Corporation Commission and the Virginia Judicial System, that allow registered users to obtain official public documents directly from their automated databases. [REDACTED] obtains the majority of his documents in this manner using a personal computer and printer located in the basement of his home in Fairfax, Virginia. In some instances, [REDACTED] is required to obtain the documents in-person if a public entity does not make them available online. In either case, once [REDACTED] acquires the relevant documentation, he provides it to the client via facsimile.

When [REDACTED] was shown the predicated FBI documents that [REDACTED] reported receiving from [REDACTED] he denied that he had ever seen, produced, or disseminated such documents. [REDACTED] also denied that he ever requested, disseminated, or viewed any FBI documents at any time and stated that he did not know how to obtain FBI

documents. [REDACTED] clarified that he only obtained official records directly from public agencies, as he did not trust the integrity of data produced by private firms. [REDACTED] displayed multiple samples of actual public documents he previously provided to clients, demonstrating that those documents differed in appearance from the FBI documents shown to him by the OIG. [REDACTED] stated that he did not have direct contact or a relationship with any FBI employees and had never requested or received any information from anyone at the FBI.

[REDACTED] identified two documents pertaining to tax and judgment lien search information and confirmed they were related to a request from a client, John J. Yim and Associates. [REDACTED] stated that [REDACTED] had been a client since approximately 2005, although [REDACTED] had never met Yim in-person and had only spoken to him by telephone two or three times. [REDACTED] recalled that he had received a facsimile from [REDACTED] law firm, requesting tax and judgment lien searches for "Men in Black" as well as for "[REDACTED]"

Bae stated he never frequented the Men in Black restaurant. He further stated that he never met [REDACTED] nor had he heard anything about her in the Korean business community. [REDACTED] stated that he did not know [REDACTED]. He explained that his participation in the Korean business community was minimal; therefore, he is acquainted with few individuals in that community. [REDACTED] stated he would consider providing the OIG with an affidavit only if one was legally required.

Orens's Meeting Account and Denial

The OIG interviewed Paralegal Specialist [REDACTED] OUST, EDVA. [REDACTED] recalled that a meeting of creditors was conducted in April 2008 relative to the bankruptcy petition filing of [REDACTED] and the Men in Black restaurant. He stated that [REDACTED] initially attended the proceedings but left at some point during the meeting at which time Orens assumed [REDACTED] role and conducted the meeting on his behalf. According to [REDACTED] approximately 10 to 12 creditors who were owed money from [REDACTED] attended the meeting. The creditors asked questions of [REDACTED] through [REDACTED] a creditor whom [REDACTED] assessed as having the best English-speaking skills among those in attendance.

[REDACTED] stated that he did not recall [REDACTED] making reference to the FBI. Additionally, [REDACTED] did not recall informing anyone about obtaining a copy of an FBI report during the referenced meeting of creditors. [REDACTED] stated that, to the best of his recollection, he was not asked to contact the FBI to obtain a report related to [REDACTED] or Men in Black. Likewise, he stated that he did not contact anyone at the FBI to obtain any related reports and that he had no recollection of ever receiving or handling a related FBI report. [REDACTED] stated that he does not maintain contact on a regular basis with anyone employed by the FBI. He explained that he would only contact the FBI when directed to do so by a superior at the OUST, and he could not recall the last time he did so. [REDACTED] said he is acquainted with FBI SA [REDACTED] on a professional basis and that [REDACTED] had been to the OUST on several occasions in the past; however, he could not recall the last time he interacted with [REDACTED]

The FBI NVRA and Document Management

[REDACTED], FBI, NVRA, who supervises Squad CR-11 (financial institution fraud), stated that

Rapid Start was used for processing incoming leads but was no longer in use. He confirmed that in July 2008, an investigative lead received by the FBI CTOC would have been input in the FBI's Rapid Start database by an FBI SA. [REDACTED] stated that the agent entering the lead would have determined the squad to receive the lead, based upon the agent's assessment of the lead and knowledge of squad assignments. According to [REDACTED] Squad CR-11 received approximately two to three dozen Rapid Start leads when that system was in use. All of those leads were received in interoffice envelopes.

Upon receipt of an interoffice envelope containing a Rapid Start Information Control form and related paperwork addressed to him or his squad, [REDACTED] would have reviewed the contents and determined whether his squad handled the alleged violation in question. If his squad was the appropriate destination, [REDACTED] would identify an agent to handle the matter. If the assigned agent determined that the lead merited additional investigation, a case could be opened with [REDACTED] concurrence, and the Rapid Start Information Control form and related material would become part of the case file; if not, those materials would have been deposited in the Squad CR-11 Zero File, the squad's control file containing all addressed leads, and retained for an indefinite period of time. [REDACTED] also stated that a Rapid Start Information Control form and related material could have been sent to the "Unaddressed Work File" if his squad was unable to address the lead at the time.

Upon reviewing copies of the FBI ACS and Rapid Start documents in question, [REDACTED] stated that he did not recall ever seeing them. He noted that the FD-302 pertaining to the interview of [REDACTED] was written by FBI [REDACTED], an agent assigned to his squad. [REDACTED] stated he was aware that White was conducting an investigation pertaining to mortgage fraud within the local Korean business community but did not recall any specifics regarding [REDACTED] or her business, the Men in Black restaurant. [REDACTED] further stated that if he had received the documents in question, he probably would have given them to White, since the referenced FD-302 pertained to a case assigned to him; however, [REDACTED] had no recollection of this.

[REDACTED] reviewed the contents of the CR-11 Zero File and the Unaddressed Work File in the presence of the OIG and reported that the documents in question were not located within those files. He noted that anyone could have accessed the CR-11 Zero File and Unaddressed Work File to obtain the documents; however, he had no information or reason to believe that anyone had done so. [REDACTED] reported he had no reason to suspect that [REDACTED] or any member of his squad improperly disseminated FBI information to any unauthorized recipients, and had no idea as to how the FBI documents in question were inappropriately disseminated. [REDACTED] further stated that if [REDACTED] or any members of his squad had provided any FBI information to the OUST or any other government agency, it would not be inappropriate to do so, provided that it was for official purposes.

According to [REDACTED], who reports to [REDACTED], he had documented learning about the FBI items [REDACTED] had. On September 24, 2008, [REDACTED] was contacted by SA [REDACTED] who informed [REDACTED] that he had received FBI documents from [REDACTED]. Among those documents was a copy of a completed FBI FD-302 documenting an interview of [REDACTED] conducted by [REDACTED] memorialized these events in an Electronic Communication (EC) entitled "Information Leak," Case ID # 263-WF-0 (Pending), dated September 26, 2008. [REDACTED] informed the OIG that he was unable to discuss anything pertaining to his fraud investigation of individuals in the Korean business community because of grand jury rules.

█████ recounted that, on September 24, 2008, █████ came to his desk and showed him the referenced FBI documents he reportedly received from █████. █████ had asked █████ if the documents were related to an investigation being conducted by █████. █████ determined that the documents related to his investigation involving individuals in the Korean business community. Moreover, █████ noted that one of the documents pertained to his interview of █████. █████ consulted with █████, his acting squad supervisor at the time, and agreed to memorialize the incident in the aforementioned EC. █████ added that he and █████ worked on the same floor in the NVRA and were professionally but not personally acquainted. █████ further stated he had no reason to suspect anyone, including █████, would have improperly disseminated the FBI information in question.

The OIG interviewed █████, III, FBI, NVRA, who supervises Squad CR-13 (economic crimes), which includes █████. According to █████, an investigative lead received by the FBI CTOC is input in the FBI's Rapid Start database by an FBI SA. After determining the squad that will receive the lead, the agent designates that squad in the Rapid Start system, prints the Information Control form that summarizes the information received and displays the designated squad, and deposits the lead and any related paperwork into an interoffice envelope for delivery to the SSA of the designated squad.

Upon receipt of an interoffice envelope containing a Rapid Start Information Control form and related paperwork, █████ would review the contents and determine whether his squad handled the alleged violation or matter in question. When his squad was the appropriate destination, █████ would identify an agent to handle the matter and deliver the Rapid Start Information Control form and related material directly to the assigned agent. If the assigned agent determined that the matter merited additional investigation, a case could be opened with █████ concurrence, and the Rapid Start Information Control form and related material would become part of the case file; if not, those materials and all related material would be deposited in the CR-13 Zero File and retained for an indefinite period of time. █████ believed that the materials presently in the file dated back at least 5 years.

After reviewing the ACS and Rapid Start documents in question, █████ acknowledged that one lead in Information Control Form WF1721 had been set for Squad CR-13 ("conduct all investigative activity deemed necessary") and that an information-only lead had been set for Squad ID-13. Though █████ knew little about the latter squad, he indicated that his squad, CR-13, would have been the squad responsible for conducting any follow-up associated with the lead. █████ noted that the "Event Narrative" section of Information Control Form WF1721 indicated the materials from █████ apparently pertained to bankruptcy fraud. █████ judged that █████ was the most experienced agent in conducting investigations involving bankruptcy fraud and that he probably would have given the lead to █████ for appropriate handling and disposition. However, █████ clarified that he did not recall ever receiving Information Control Form WF1721 or any of its related materials. Likewise, █████ did not recall ever assigning the matter to █████ or having any related discussions with █████. █████ also observed that while the referenced information control form indicated it was routed to his squad, it listed "Bank Fraud" as a one of the descriptive categories. █████ stated that his squad was not responsible for investigations pertaining to bank fraud, and he suggested that the lead could have been routed to Squad CR-11, since that squad conducted bank fraud investigations.

█████ provided an evaluation of possible handlers of the FBI documents and conducted a failed search in office document files. According to █████, he had no reason to suspect that █████ would have disseminated the FBI documents in question to unauthorized persons. █████ stated that he believed █████ had a professional relationship with employees of the OUST and that he was well-regarded by that office. █████ also stated he had no knowledge of any personal or social relationship between █████ and any employees of the OUST. Despite reviewing Squad CR-13's Zero File and Unaddressed Work File, █████ was unable to locate the referenced Rapid Start Information Control form and any related documentation.

█████ confirmed conferring in September 2008 with █████, OUST, regarding a bankruptcy case that █████ found familiar. During their telephone conversation on the case, Bove informed █████ that he was in receipt of information from creditors associated with the referenced restaurant that appeared to be from the FBI. █████ asked █████ to "fax" the suspected FBI documents. On September 24, 2008, █████ received FBI documents via facsimile from █████. Among those documents were copies of an Information Control Form (WF1721) and ACS screen printouts of a completed FBI Form FD-302 pertaining to █████ informed █████ that the documents were obtained from █████, a creditor of █████. On September 29, 2008, Bove provided █████ with the e-mail message from █████, identifying the source of the FBI documents as Intellectual Access, Inc.

Possible Inadvertent Transfer

█████ denied providing the FBI documents to █████ Intellectual Access, Inc., or any other external entity but acknowledged that their inadvertent transfer to the OUST could have occurred with OUST. █████ did not believe he provided the documents to █████ or any other employees of the OUST but conceded that he may have provided the documents to Bove inadvertently. █████ said that if he had received materials that he felt were related to a case █████ was working on, it was conceivable that he would have provided █████ those documents, perhaps without realizing that FBI documents were among the materials.

The FBI's official policy authorizes the dissemination of investigative and non-investigative information to other agencies within the Executive branch with a legitimate interest.

OUST's Interactions With █████ and Access to FBI Reports

During his interview with the OIG, Assistant U.S. Trustee (and Special Assistant U.S. Attorney) █████, OUST, EDVA, denied any role in requesting or obtaining the FBI documents in question. He described the transfer process and a concern in the █████ bankruptcy. █████ confirmed that the OUST exchanges investigative information and documents with the FBI and United States Attorney's Office, EDVA, in cases referred to them for criminal investigation of bankruptcy fraud. █████ stated that he worked almost exclusively with █████ on such cases, given █████ assigned duties on bankruptcy fraud cases. In such cases, █████ added that he almost always receives the corresponding investigative FBI documents directly from █████ via either facsimile or hand delivery. Once received and reviewed, the documents are placed in the corresponding

case file, all of which are stored in a dedicated filing cabinet. [REDACTED] reported he expressed concerns to [REDACTED] about the legitimacy of [REDACTED] bankruptcy filing; however, he confirmed that [REDACTED] bankruptcy filing, which was eventually dismissed by the OUST with prejudice, was never referred for criminal prosecution. [REDACTED] said that the presence of such FBI documents (an Information Control Form and ACS printout of an FD-302) in the OUST without his knowledge would be unusual. [REDACTED] had no recollection of discussing [REDACTED]'s filing with [REDACTED] prior to [REDACTED] discovery of the FBI documents and had no knowledge as to the source of the FBI documents.

Document Policy

The transfer of FBI documents in official processes, as prescribed by policy, specifically, the FBI Manual of Administrative Operations and Procedures (MAOP), Section 9 (Dissemination of Information), is legitimate. The MAOP states that any matter including information of a criminal nature should be furnished to other federal agencies in the Executive Branch as appropriate, and that it is FBI policy to disseminate vital and important information to which other agencies, including local law enforcement, are justifiably entitled. The OIG could also not find any specific dissemination requirements concerning the OUST. However, the OIG is concerned that none of the FBI personnel interviewed could confirm when and by whom the documents in question were provided to the OUST.

The OIG has completed its investigation and is providing this report to the FBI for its review and appropriate action.

ABBREVIATED REPORT OF INVESTIGATION

| | | |
|--|---|---|
| SUBJECT: Unknown FBI Employee San Antonio, Texas | | CASE NUMBER: 2009001582 |
| OFFICE CONDUCTING INVESTIGATION: Dallas Field Office | | DOJ COMPONENT: Drug Enforcement Administration Federal Bureau of Investigation |
| DISTRIBUTION: <input checked="" type="checkbox"/> Field Office <input checked="" type="checkbox"/> AIGINV <input checked="" type="checkbox"/> Component DEA/ FBI <input type="checkbox"/> USA <input type="checkbox"/> Other | STATUS: <input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Date of Previous Report: | |

SYNOPSIS

This investigation was initiated based on a December 3, 2008, telephoned referral from Special Agent [REDACTED], U.S. Immigration and Customs Enforcement (ICE), and Special Agent [REDACTED], Federal Bureau of Investigation (FBI), following a marijuana seizure on December 1, 2008, at the Eagle Pass, Texas, Border Patrol Station. According to [REDACTED], responding ICE special agents interviewed [REDACTED] operator of the seized vehicle, who said she was transporting the marijuana for a friend, [REDACTED]. In a statement to [REDACTED] also alleged that [REDACTED] was being assisted in her smuggling activities by an Eagle Pass area law enforcement officer known as [REDACTED] or "Fatboy," who provided [REDACTED] with law enforcement sensitive information. [REDACTED] also told [REDACTED] that [REDACTED] regularly received law enforcement sensitive information from an FBI San Antonio employee [REDACTED] identified as the former mother-in-law of [REDACTED] brother.

In a joint statement to the Office of the Inspector General (OIG), FBI, ICE, and the Drug Enforcement Administration (DEA) on December 5, 2008, [REDACTED] elaborated on her knowledge concerning [REDACTED] as well as the FBI employee, and provided a physical description of Fatboy. [REDACTED] described two occasions in approximately May or June 2008 when she and [REDACTED] met Fatboy, whom she described as a 35 to 45 year old Hispanic male with thick-rim glasses, dark wavy hair, and a mustache. According to [REDACTED] reportedly told her of Fatboy's help in avoiding a law enforcement operation at an Eagle Pass mall and his part in procuring the marijuana in [REDACTED] seized vehicle. [REDACTED] also spoke of learning from [REDACTED] of an FBI employee who had inappropriately provided law enforcement information while previously employed by the Texas Department of Public Safety. According to [REDACTED], the FBI employee was connected to [REDACTED] through a family member relationship (the FBI employee was the mother of [REDACTED] the spouse of [REDACTED] brother, [REDACTED]).

[REDACTED] underwent an OIG polygraph examination to verify her provided information. Upon completion, the

| | |
|---|----------------------|
| DATE May 21, 2009 | SIGNATURE [REDACTED] |
| PREPARED BY SPECIAL AGENT [REDACTED] | |
| DATE May 21, 2009 | SIGNATURE [REDACTED] |
| APPROVED BY SPECIAL AGENT IN CHARGE Wayne D. Beaman | |

examiner expressed the opinion that [REDACTED] was not deceptive in her responses to the relevant questions concerning her knowledge that [REDACTED] was working with a law enforcement officer known as Fatboy and that [REDACTED] mother provided law enforcement information to [REDACTED]

Although [REDACTED] identified Fatboy as [REDACTED] reported that ICE developed preliminary information that Fatboy fit the physical description of [REDACTED], a Zavala County, Texas, District Attorney's Office investigator in Eagle Pass, working as a DEA task force officer. The OIG showed [REDACTED] a photographic array containing a recent photo of [REDACTED], but [REDACTED] could not make an identification. [REDACTED] was also shown additional photographic arrays prepared by the OIG depicting all Eagle Pass DEA task force members plus other local law enforcement officers, but [REDACTED] again said she could not identify Fatboy.

At the request of the OIG, the FBI San Antonio Division conducted record searches of current and former employees as well as task force officers possibly associated with [REDACTED]. The OIG and FBI investigation did verify that [REDACTED] was married to a person named [REDACTED] [REDACTED] birth certificate, which was retrieved by the FBI and reviewed by the OIG, revealed the name of [REDACTED] mother, [REDACTED]. The FBI noted that a [REDACTED] had once unsuccessfully applied for FBI employment. However, the FBI San Antonio Division was unable to identify any current or former employee related to [REDACTED]

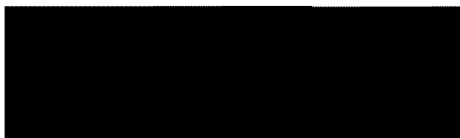
Subsequent to the personnel inquiries [REDACTED] reported that [REDACTED] last contact with ICE, approximately just before April 6, 2009, similarly yielded no further verifying information identifying Fatboy or [REDACTED] connection to the FBI. Although the OIG had provided [REDACTED] with a pre-paid cellular telephone in an effort to identify Fatboy, [REDACTED] and any relationship of either to the FBI or DEA, [REDACTED] only reported failed contact attempts. According to [REDACTED] said she had made numerous attempts to reach [REDACTED] and her family but was unable to actually contact Tavarez. [REDACTED] informed the OIG that [REDACTED] phone numbers were changed after her phones were seized during an arrest.

With [REDACTED] assistance, the FBI and ICE are continuing attempts to identify Fatboy and determine whether [REDACTED] and other law enforcement personnel are criminal associates. Due to the ongoing public corruption investigation by the FBI and ICE, [REDACTED] were not interviewed by the OIG.

Based on the limited results of this investigation, the OIG found insufficient evidence to establish that any FBI or DEA employee was criminally involved with [REDACTED]

The OIG has completed its investigation and is providing this report to the DEA and FBI for their review.

ADDITIONAL SUBJECTS



ABBREVIATED REPORT OF INVESTIGATION

| | | |
|--|---|---|
| SUBJECT [REDACTED] Drug Enforcement Administration Albany District Office, Albany, New York | | CASE NUMBER 2008-009530 |
| OFFICE CONDUCTING INVESTIGATION New York Field Office | | DOJ COMPONENT Drug Enforcement Administration |
| DISTRIBUTION <input checked="" type="checkbox"/> Field Office <input checked="" type="checkbox"/> AIGINV <input checked="" type="checkbox"/> Component DEA <input type="checkbox"/> USA <input type="checkbox"/> Other | STATUS <input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Date of Previous Report: | |

SYNOPSIS

This investigation was initiated based upon allegations received from Immigration and Customs Enforcement (ICE), Newark, Special Agents (SA) [REDACTED]. These ICE Agents allege that Drug Enforcement Administration (DEA) SA [REDACTED] may have failed to disclose his personal association with criminal targets of a joint DEA/ICE investigation. Further, the ICE agents had reported their perception that [REDACTED] was trying to steer the investigation away from specific targets and that [REDACTED] may be accessing and disseminating investigation information to the targets. The ICE agents had no direct knowledge of any misconduct on the part of [REDACTED].

[REDACTED] was alleged, by the ICE agents, to have an association through marriage to the target of a joint DEA Albany/ICE Newark drug trafficking/money laundering investigation.

The ICE agents were interviewed and provided information by way of a link association diagram, prepared by ICE, associating the main target of the investigation, [REDACTED], to [REDACTED] through [REDACTED] brother-in-law [REDACTED] and a known associate of [REDACTED]. Although the ICE agents themselves had no evidence of this alleged relationship between [REDACTED] and [REDACTED], they learned from [REDACTED] (Sheriff's Office, Ulster County, and Ulster County Regional Gang Enforcement Narcotics Team (URGENT) member) that [REDACTED] could establish the relationship between [REDACTED]'s brother-in-law [REDACTED] as cousins.

The OIG interviewed [REDACTED] and confirmed that [REDACTED] had previously written a complaint about [REDACTED] activities on the URGENT Task Force signed by Orange County Sheriff Paul J. VanBlarcum, dated February

| | |
|---|-----------------------------|
| DATE 10/29/09 | SIGNATURE [REDACTED] |
| PREPARED BY SENIOR SPECIAL AGENT [REDACTED] | |
| DATE OCT 29 2009 | SIGNATURE [REDACTED] |
| APPROVED BY SPECIAL AGENT IN CHARGE James E. Tomlinson | |

15, 2008. This complaint focused on [REDACTED]'s differences with the Ulster County Sheriff's Office on identification of upper level drug targets in the Kingston, New York, area; excluding local detectives from meetings with the United States Attorney's Office; failure of [REDACTED] to share DEA funds seized in joint investigations; and lying to Sheriff's Office Deputies by not disclosing DEA cooperating individuals. [REDACTED] originally told the OIG that he would assist in the investigation and try to establish [REDACTED]'s referenced association through a telephone call record or other means. All subsequent attempts by the OIG to establish contact with [REDACTED] have failed, and no evidence of any kind has been obtained by the OIG from [REDACTED] or the Ulster County Sheriff's Office.

Sheriff Van Blarcum's complaint reached DEA Albany through DEA Headquarters, and a management review was conducted by DEA between May and June 2008. The OIG learned of the management review on November 21, 2008, and requested the document on December 1, 2008. The referenced DEA management inquiry addressed all of the administrative concerns about [REDACTED] referred to by the Orange County Sheriff. [REDACTED] was not sanctioned or disciplined as a result of those concerns.

On July 28, 2008, DEA Albany learned through Albany Assistant United States Attorney (AUSA) [REDACTED] that he had received allegations of the described relationship between [REDACTED] and known drug targets and, as a result, possible information release. [REDACTED] said the reports came through AUSA [REDACTED] in the Newark United States Attorney's Office. As a result of [REDACTED] inquiry, DEA Albany investigated the matter through records review and Pen-Link analysis review and determined that no connection between [REDACTED] (brother-in-law) and [REDACTED] (known associate of drug target) could be established. [REDACTED] himself denied knowing [REDACTED] outside the context of the investigation.

During this investigation:

- The OIG interviewed [REDACTED] and he denied all allegations that he knew or communicated in any way with [REDACTED]. [REDACTED] had no knowledge that [REDACTED] and [REDACTED] were allegedly related. [REDACTED] also denied any release of any investigative information to [REDACTED] or any target at any time.
- The OIG interviewed the two AUSAs involved in the DEA Albany and ICE Newark cases related to [REDACTED] as well as certain supervisory personnel in the U.S. Attorney's Offices and the DEA Albany District Office. These interviews established no connection between [REDACTED] and [REDACTED].
- A review of DEA Narcotics and Dangerous Drug Information System (NADDIS) query history established no connection between [REDACTED].
- Telephone pen register records reviewed by DEA and subpoenaed call records obtained and reviewed by the OIG have established no connection between [REDACTED].

- Review of security background documentation for [REDACTED] only two background investigation questionnaires established no connection between [REDACTED]
- No evidence of disclosure of information has been developed in this case.

This investigation did not substantiate the allegations of release of information or improper association with the criminal element by DEA [REDACTED] to drug targets.

The OIG has completed its investigation and is providing this report to the DEA for its review.

Office of the Inspector General
United States Department of Justice

REPORT OF INVESTIGATION

Case Number 105-10554

Date April 15, 1964

Report prepared by

AIG



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ABBREVIATED REPORT OF INVESTIGATION

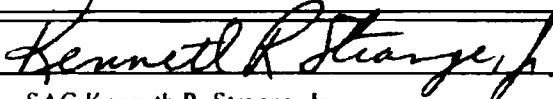
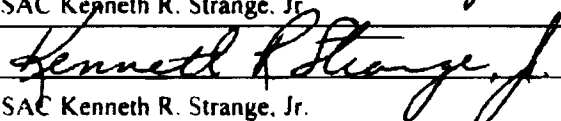
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| SUBJECT [REDACTED] Monitor, Pacific Furlough Facility Correctional Alternatives, Inc. San Diego, California | | CASE NUMBER LA-410-2008-006134-I |
| OFFICE CONDUCTING INVESTIGATION Los Angeles | DOJ COMPONENT Bureau of Prisons | |
| DISTRIBUTION <input checked="" type="checkbox"/> Field Office <input checked="" type="checkbox"/> AIG/IN <input checked="" type="checkbox"/> Component <input type="checkbox"/> USA <input type="checkbox"/> Other | STATUS <input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Date of Previous Report: | |

SYNOPSIS

The investigation was based upon an allegation by Correctional Alternatives, Inc. (CAI) staff which indicated that halfway-house monitor, [REDACTED] had entered into an inappropriate relationship with halfway-house resident, [REDACTED]. Specifically, residents [REDACTED] claimed that not only was [REDACTED] calling [REDACTED] at the Pacific Furlough facility from her home, but that she was meeting with him outside the facility.

The OIG interviewed [REDACTED] who stated that she witnessed [REDACTED] and resident [REDACTED] holding hands in the facility. In addition, she said that [REDACTED] allowed her to listen in to a telephone conversation that he was having with [REDACTED]. During that conversation, [REDACTED] heard [REDACTED] express her interest in sexual relations with [REDACTED] and the manner in which she preferred sex. According to [REDACTED] confided in her that he had had sex with [REDACTED] in a motel. Resident [REDACTED] was unable to be interviewed. Resident [REDACTED] was interviewed by the OIG and provided a signed, sworn statement in which he denied any type of physical or sexual relationship with [REDACTED]; he also denied talking to [REDACTED] by telephone. He did, however, admit to having sexual relationships with several female residents. [REDACTED] was contacted by the OIG but declined to be interviewed. Instead, she informed the OIG that she had resigned from CAI effective May 23, 2008 and provided her letter of resignation.

The OIG has completed its investigation and is providing this report to BOP for its review.

| | |
|---|---|
| DATE August 18, 2008 | SIGNATURE  |
| PREPARED BY SPECIAL AGENT: | SAC Kenneth R. Strange, Jr. |
| DATE August 18, 2008 | SIGNATURE  |
| APPROVED BY SPECIAL AGENT IN CHARGE: | SAC Kenneth R. Strange, Jr. |

Office of the Inspector General
United States Department of Justice
REPORT OF INVESTIGATION

Case Number 2000-000793

Date 1/15/01

Report Classification

ACTIVE



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ABBREVIATED REPORT OF INVESTIGATION

| | | |
|---|--|---|
| SUBJECT San Diego Community Correctional Center San Diego, California | | CASE NUMBER 2008-000793 |
| OFFICE CONDUCTING INVESTIGATION Los Angeles Field Office | | DOJ COMPONENT Federal Bureau of Prisons |
| DISTRIBUTION <input checked="" type="checkbox"/> Field Office <input checked="" type="checkbox"/> AIC INV <input checked="" type="checkbox"/> Component <input type="checkbox"/> USA <input type="checkbox"/> Other | STATUS <input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | |

SYNOPSIS

This Office of the Inspector General (OIG) investigation was initiated based on an allegation that [REDACTED], [REDACTED] San Diego Community Correctional Center (CCC), had inappropriate physical contact with CCC inmate [REDACTED].

According to a signed statement by CCC inmate [REDACTED], on October 27, 2007 at approximately 5:00 PM, she witnessed [REDACTED] and inmate [REDACTED] kissing for about one minute in Dormitory "D." She also witnessed [REDACTED] and [REDACTED] walk to the opposite dormitory door and kiss again.

The OIG initially scheduled a voluntary interview of [REDACTED] for December 12, 2007 at the Los Angeles Field Office, but [REDACTED] failed to appear for the interview. [REDACTED] later contacted the OIG and stated he had reservations about submitting to a voluntary interview. The OIG explained the allegation to [REDACTED] and again advised him the interview was voluntary. [REDACTED] stated he would consider his options and contact the OIG at a later date. That was the final contact the OIG had with [REDACTED].

The BOP and the San Diego CCC discussed this matter, resulting in a decision made by the BOP to suspend [REDACTED] from having any further contact with federal inmates until the OIG investigation concluded. On December 26, 2007, [REDACTED], CCC Human Resource Manager, contacted the OIG and advised that [REDACTED] resigned from the San Diego CCC effective December 24, 2007. On January 2, 2008, [REDACTED] provided the OIG a copy of [REDACTED] resignation letter.

Based on [REDACTED] resignation, this OIG investigation is closed and referred to the BOP for appropriate action.

| | |
|--|-----------------------------|
| DATE January 15, 2008 | SIGNATURE [REDACTED] |
| PREPARED BY SPECIAL AGENT [REDACTED] | |
| DATE January 15, 2008 | SIGNATURE [REDACTED] |
| APPROVED BY SPECIAL AGENT IN CHARGE Kenneth R. Strange, Jr. | |

Office of the Inspector General
United States Department of Justice

REPORT OF INVESTIGATION



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|--|---|--|
| SUBJECT Glenn Rivera-Barnes Contract Medical Technician Donald W. Wyatt Detention Center, Central Falls, RI United States Marshals Service | | CASE NUMBER 2008006799 |
| OFFICE CONDUCTING INVESTIGATION Boston Area Office | | DOJ COMPONENT United States Marshals Service |
| DISTRIBUTION <input checked="" type="checkbox"/> Field Office <input checked="" type="checkbox"/> AIGINV <input checked="" type="checkbox"/> Component USMS <input checked="" type="checkbox"/> USA Dist. Of RI <input type="checkbox"/> Other | STATUS <input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Date of Previous Report: | |

SYNOPSIS

This investigation was initiated upon the receipt of an allegation that Glenn Rivera-Barnes, a medical technician at the Donald W. Wyatt Detention Center (Wyatt), a Central Falls, RI detention facility operated under contract to the United States Marshals Service, sexually assaulted detainee [REDACTED] in the facility medical unit.

[REDACTED] said that on multiple occasions when he reported to the Wyatt medical unit for treatment for an asthma condition and other matters, Rivera-Barnes sexually fondled [REDACTED] penis, performed oral sex on him and demanded that [REDACTED] perform oral sex on him (Rivera-Barnes). [REDACTED] said the incidents occurred over a period of several weeks. [REDACTED] provided napkins containing what he said were semen specimens from Rivera-Barnes from two of the encounters.

Office of the Inspector General investigation, consisting of detainee and staff witness interviews, subject interview, review of medical records and security camera images, execution of a search warrant and forensic examinations of questioned specimens and known DNA contributions from Rivera-Barnes substantiated the allegation. A forensic examination by the Rhode Island State Department of Health laboratory revealed the presence of Rivera-Barnes' semen on the napkins provided by [REDACTED]. Upon OIG interview, Rivera-Barnes initially denied having sexual relations with [REDACTED] and then said that [REDACTED] had forced him into the sexual acts, which took place on multiple occasions, weeks apart. Rivera-Barnes was terminated from employment at Wyatt on January 21, 2009 and pleaded guilty on September 2, 2009 to one count of violation of Title 18 United States Code, Section 1001, providing false statements. Rivera-Barnes was sentenced on December 21, 2009 to 240 hours community service to be served over two years, followed by a two year period of supervised release.

The OIG has completed its investigation and is providing this report to the USMS for its review.

| | |
|---|------------------------------|
| DATE February 9, 2010 | SIGNATURE [REDACTED] |
| PREPARED BY SPECIAL AGENT [REDACTED] | |
| DATE FEB 19 2010 | SIGNATURE [Signature] |
| APPROVED BY SPECIAL AGENT IN CHARGE James E. Tomlinson | |

Office of the Inspector General
United States Department of Justice

REPORT OF INVESTIGATION

Case No. 24-2542

Date: April 1, 1964

Subject: [Illegible]

Reference: [Illegible]

Location: [Illegible]

Investigator: [Illegible]

Supervisor: [Illegible]

Assistant: [Illegible]

Special Agent: [Illegible]

Investigator: [Illegible]

Supervisor: [Illegible]

Assistant: [Illegible]

Special Agent: [Illegible]

Investigator: [Illegible]

Supervisor: [Illegible]

Assistant: [Illegible]

Special Agent: [Illegible]

Investigator: [Illegible]

Supervisor: [Illegible]

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Investigator: [Illegible]

Supervisor: [Illegible]

Assistant: [Illegible]

Special Agent: [Illegible]



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ABBREVIATED REPORT OF INVESTIGATION

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|--|--|--|--|
| SUBJECT [REDACTED] Federal Bureau of Prisons Federal Correctional Complex Butner, North Carolina | | CASE NUMBER 2008-006469 | |
| OFFICE CONDUCTING INVESTIGATION Washington Field Office | | DOJ COMPONENT Federal Bureau of Prisons | |
| DISTRIBUTION <input checked="" type="checkbox"/> Field Office <input checked="" type="checkbox"/> AIGINV <input checked="" type="checkbox"/> Component BOP <input type="checkbox"/> USA <input type="checkbox"/> Other | | STATUS <input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Date of Previous Report: | |

SYNOPSIS

This investigation was initiated upon receipt of information from the Federal Bureau of Prisons (BOP), stating that during an inspection of inmate [REDACTED] possessions at the Troy House Community Corrections Facility in Durham, North Carolina (Troy House), staff found evidence indicating an inappropriate relationship between [REDACTED], who was assigned to the Federal Medical Center (FMC), Butner, North Carolina. [REDACTED] met [REDACTED] at the FMC before he was released to Troy House. Among the items found were photographs of [REDACTED] and her children, romantic writings, a copy of [REDACTED] driver's license, and logbooks indicating the times when she visited him at the facility.

The Office of the Inspector General (OIG) interviewed and obtained a signed sworn statement from [REDACTED], in which he admitted to engaging in sexual intercourse with [REDACTED] at [REDACTED] home approximately twelve or more times. Subsequently, the OIG interviewed and obtained a signed sworn statement from [REDACTED], in which she admitted that she and [REDACTED] engaged in sexual intercourse in her vehicle and at [REDACTED] cousin's house approximately eight times. Following the interview, [REDACTED] resigned her position with the BOP. The facts of this case were presented to the OIG's Office of General Counsel and the North Carolina District Attorney's Office for prosecution. After considering the facts of the case, each office concluded that because the sexual contact occurred outside the correctional environment, criminal charges could not be initiated.

The OIG has concluded its investigation and all criminal and administrative actions are complete. We are providing this report to the BOP for its information.

| | |
|--|-----------------------|
| DATE August 22, 2008 | SIGNATURE [REDACTED] |
| PREPARED BY SPECIAL AGENT [REDACTED] | |
| DATE 8/26/08 | SIGNATURE [Signature] |
| APPROVED BY SPECIAL AGENT IN CHARGE Gene E. Morrison | |

Office of the Inspector General
United States Department of Justice

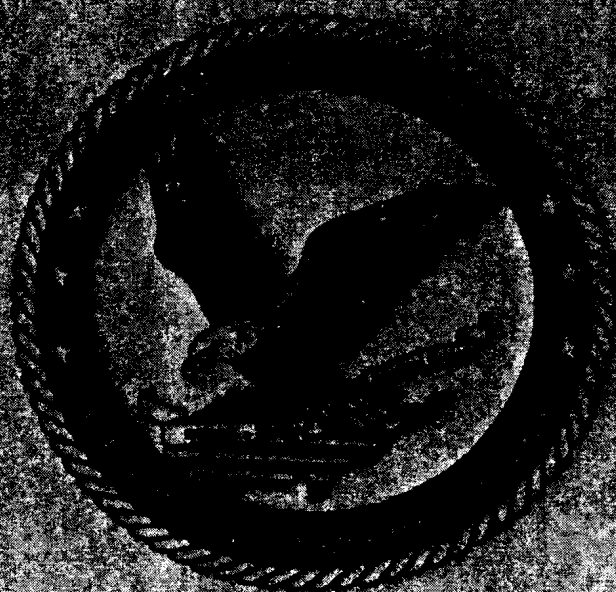
REPORT OF INVESTIGATION

Case Number 2000-100

Date 11/1/00

Report Prepared by

ALB/NT



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REPORT OF INVESTIGATION

| | | |
|---|---|---|
| SUBJECT Federal Bureau of Prisons Metropolitan Detention Center, Brooklyn, New York | | CASE NUMBER 2009-003501 |
| OFFICE CONDUCTING INVESTIGATION New York Field Office | | DOJ COMPONENT Federal Bureau of Prisons |
| DISTRIBUTION <input checked="" type="checkbox"/> Field Office NYFO <input checked="" type="checkbox"/> AIGINV IIQ <input checked="" type="checkbox"/> Component BOP <input type="checkbox"/> USA <input type="checkbox"/> Other | STATUS <input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Date of Previous Report: | |

SYNOPSIS

This Office of the Inspector General (OIG) investigation was initiated based on an anonymous complaint alleging that Federal Bureau of Prisons (BOP), Metropolitan Detention Center (MDC), Brooklyn, New York, [REDACTED] was having an inappropriate personal relationship with former BOP Inmate [REDACTED] which began while [REDACTED] was housed at MDC Brooklyn.

The OIG investigation found no evidence that [REDACTED] engaged in an inappropriate personal relationship with [REDACTED] while he was incarcerated at MDC Brooklyn, however, the OIG investigation determined that [REDACTED] violated the BOP Standards of Employee Conduct by engaging in a personal intimate relationship with [REDACTED] after he was released from MDC Brooklyn and on federal supervised release by the Court.

The OIG's investigation also found that [REDACTED] lied to U.S. Probation Officer [REDACTED] assigned to Southern District of New York, when she falsely claimed to work for a New York City Criminal Justice Agency.

When interviewed by the OIG, [REDACTED] provided a signed sworn affidavit admitting that she met [REDACTED] in the Bronx, New York, and subsequently developed a personal intimate relationship with him. Upon discovering [REDACTED] supervised release status, [REDACTED] said that she continued her relationship with [REDACTED] and did not inform BOP even though she admitted that she knew she was required to do by BOP policy.

| | |
|--|--------------------------------|
| DATE JUL 21 2009 | SIGNATURE [REDACTED] |
| PREPARED BY SPECIAL AGENT [REDACTED] | |
| DATE JUL 21 2009 | SIGNATURE [REDACTED] |
| APPROVED BY SPECIAL AGENT IN CHARGE James E. Tomlinson | |

█████ admitted that she never informed the BOP about her relationship with █████ and confirmed that she lied to U.S. Probation Officer █████ by falsely claiming that she worked for a City of New York Criminal Justice Agency. █████ also revealed that U.S. Probation found marijuana inside her residence when they conducted a home visit to check on █████; however, she denied that she was aware █████ had brought marijuana into her apartment.

The facts of this case were presented to Assistant United States Attorney █████ who is assigned to the Southern District of New York. Stein declined prosecution of █████ for false statements.

The OIG has completed its investigation and is providing this report to the BOP for its review and appropriate action.

DETAILS OF INVESTIGATION

Predication

This Office of the Inspector General (OIG) investigation was initiated based on an anonymous complaint alleging that Federal Bureau of Prisons (BOP), Metropolitan Detention Center (MDC), Brooklyn, New York, [REDACTED] was having an inappropriate personal relationship with former BOP Inmate [REDACTED] which began while [REDACTED] was housed at MDC Brooklyn.

Investigative Process

The OIG investigation consisted of the following document review and interviews of these individuals:

Persons Interviewed

- [REDACTED]
- [REDACTED]
- [REDACTED]

Documents Reviewed

- [REDACTED] Official Personnel File
- BOP Standards of Conduct
- Criminal History Queries relating to [REDACTED]
- New York State Criminal History Report relating to [REDACTED]
- BOP Truview Report relating to [REDACTED]
- New York State Department of Motor Vehicle License and Vehicle Registration relating to [REDACTED]
- Universe Towing Incorporate, Bronx, NY, invoice ticket and sales receipt relating to [REDACTED] vehicle
- Memorandum from U.S. Probation U.S. Probation Officer [REDACTED]
- Subpoenaed telephone records obtained via OIG Administrative Subpoena relating to [REDACTED] and the home telephone from October 2007 to March 2009.

U.S. Probation Verifies [REDACTED] Resided with [REDACTED]

According to a memorandum prepared by U.S. Probation Officer [REDACTED]

On January 29, 2002, [REDACTED] was placed on supervised release in the Southern District of New York.

On May 3, 2006, [REDACTED] reported that he received a telephone call from a [REDACTED] who indicated that she was [REDACTED] ex girlfriend. [REDACTED] stated that she believed [REDACTED] was romantically involved with a female Corrections Officer (CO) at MDC Brooklyn. When questioned by [REDACTED] about how she received this information, [REDACTED] stated that she recently followed [REDACTED] to the parking lot of MDC Brooklyn and then witnessed him enter a vehicle with a female CO.

On May 23, 2006, [REDACTED] reported to [REDACTED] office and was questioned about the information [REDACTED] provided. [REDACTED] denied any involvement with a female CO and explained that he began dating an [REDACTED] who is employed by the CJA Office in Brooklyn, New York. [REDACTED] provided [REDACTED] address as [REDACTED]

On June 5, 2006, [REDACTED] reported that he received a telephone call from a female who identified herself as [REDACTED]. The female confirmed her present living arrangement with [REDACTED] and expressed concern because her children lived in the dwelling. During questioning, the female claimed that she worked in an administrative capacity for Bronx Central Booking and assured [REDACTED] that she did not work in Brooklyn as [REDACTED] claimed.

[REDACTED] further reported that from June 2006 through January 2007, he conducted numerous home visits at [REDACTED] confirming that [REDACTED] was residing there.

On January 3, 2008, Senior District Court Judge Harold Baer, Jr. terminated [REDACTED] supervision.

The OIG's investigation determined that [REDACTED] was, in fact, [REDACTED]. In addition to BOP and other records confirming [REDACTED] address at [REDACTED] [REDACTED] told the OIG that she allowed [REDACTED] to reside in her apartment and lied to [REDACTED] about where she worked.

BOP Policy

BOP Program Statement / Standards of Employee Conduct

According to the BOP's Program Statement, Standards of Employee Conduct 3420.09 Section (9) (b) states in part that:

- Employees may not allow themselves to show partiality toward, or become emotionally, physically, sexually, or financially involved with inmates, former inmates, or the families of inmates or former inmates...

Section (6) (g) defines a former inmate as:

- Any inmate for whom less than one year has elapsed since their release from Bureau custody or supervision of a federal court.

Additionally, Section (9) (c) (5) states:

- An employee who becomes involved in circumstances as described above (or any situation that might give the appearance of improper involvement with inmates or former inmates or the families of inmates or former inmates, including employees whose relatives are inmates or former inmates) must report the contact, in writing, to the CEO as soon as practicable. This includes, but is not limited to, telephone calls or written communications with such persons outside the normal scope of employment. The employee will then be instructed as to the appropriate course of action.

The OIG's investigation confirmed that following [REDACTED] appointment as a Correctional Officer to the BOP, Federal Detention Center in Miami, Florida, she signed a receipt acknowledging that she received a copy of Program Statement P.S. # 3420.09 on the Standards of Employee Conduct.

OIG Interview of [REDACTED]

[REDACTED] Admits Relationship with [REDACTED]

In an interview with the OIG, [REDACTED] said that her relationship with [REDACTED] began between February and March of 2006, at a period when [REDACTED] was still on supervised release. Upon discovering [REDACTED] supervised release status, [REDACTED] said that she continued her relationship with [REDACTED], including allowing [REDACTED] to live in her apartment and did not inform BOP even though she admitted that she was aware that she was required to do by BOP policy.

[REDACTED] Admits False Statement to a U.S. Probation Officer

[REDACTED] said that she contacted U.S. Probation Officer [REDACTED] on June 5, 2006, after discovering his business card on her front door on her way into her apartment and subsequently lied to him when she told him that she was presently employed at the New York City Criminal Justice Agency (Central Booking), Bronx Office, in an administrative capacity.

[REDACTED] Ends Intimate Relationship with [REDACTED]

[REDACTED] stated that she ended her intimate relationship with [REDACTED] after the home visit conducted by U.S. Probation in which marijuana was found in her apartment. [REDACTED] stated that she never used marijuana and that she was unaware that [REDACTED] had brought marijuana into her apartment. However, after ending her intimate relationship with [REDACTED] [REDACTED] said she maintained an association with him by loaning him money and permitting him use of her motorcycle. Her association continued as recently as late 2008.

██████████ Arrest Using ██████████ Vehicle

The OIG reviewed a New York City Police Department (NYPD) reports which confirmed that on October 16, 2008, the NYPD arrested ██████████ for speeding and other related moving violations. The reports further revealed that ██████████ was operating a motorcycle preceding the arrest. Following the arrest the NYPD impounded the motorcycle.

Vehicle Registration Query

The OIG also reviewed the International Justice and Public Information Sharing Network (NLETS) database and confirmed that ██████████ had a valid driver's license and it identified her address as ██████████. Additionally, the query disclosed that ██████████ was the registered owner of the following vehicle:

- ██████████
- Vehicle Make: Honda
- Vehicle Year: 2006
- Vehicle Style: Motorcycle
- Vehicle Primary Color: Yellow

Retrieval of Motorcycle from Impound

The OIG reviewed a Universe Towing Incorporated, Bronx, NY invoice ticket and sales receipt and confirmed that on October 16, 2008, ██████████ retrieved the aforementioned motorcycle from the impound lot.

Declination of Criminal Prosecution

On May 11, 2009, Assistant United States Attorney ██████████, assigned to the Southern District of New York, declined prosecution of ██████████ for violation of Title 18 U.S.C. § 1001 (False Statements).

The OIG has completed its investigation and is providing this report to the BOP for its review and appropriate action.

Office of the Inspector General
United States Department of Justice

REPORT OF INVESTIGATION

Case Number 2007-001051

Date APR 16 2008

Report Provided for

AIGI

HA 34 2008



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SENSITIVE BUT UNCLASSIFIED

ABBREVIATED REPORT OF INVESTIGATION

| | | | |
|---|--|--|--|
| SUBJECT [REDACTED] Low Security Correctional Institution Allenwood (LSCI) White Deer, Pennsylvania (PA) | | CASE NUMBER 2007-001051 | |
| OFFICE CONDUCTING INVESTIGATION Philadelphia Area Office | | DOJ COMPONENT Federal Bureau of Prisons | |
| DISTRIBUTION | | STATUS | |
| <input checked="" type="checkbox"/> Field Office NYFO | | <input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED | |
| <input checked="" type="checkbox"/> AIGINV HQ | | PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | |
| <input checked="" type="checkbox"/> Component BOP | | Date of Previous Report: | |
| <input type="checkbox"/> USA | | | |
| <input type="checkbox"/> Other | | | |

SYNOPSIS

This investigation was initiated based on information received from inmate [REDACTED] Federal Bureau of Prisons (BOP), Low Security Correctional Institution Allenwood (LSCI) White Deer, Pennsylvania alleging that [REDACTED] LSCI Allenwood was having an inappropriate relationship with inmate [REDACTED]. Also, it is alleged that [REDACTED] showed favoritism toward black inmates and provided them with food items and cigarettes.

On April 6, 2007, the OIG interviewed [REDACTED] at the Federal Correctional Institution (FCI) Allenwood and he said that [REDACTED] has had special relationships with black inmates from when he was incarcerated at LSCI Allenwood in June 2004. He also said that [REDACTED] was flirting with him. [REDACTED] said that in September and October 2006, he heard that [REDACTED] was introducing contraband to include cigarettes and food into the institution and having an inappropriate sexual relationship to include fondling and light petting with [REDACTED] in Lycoming Unit at LSCI Allenwood. [REDACTED] concluded by saying that he was labeled as a "rat" by other inmates and had to remove himself from the unit and be placed in protective custody in the Special Housing Unit at LSCI Allenwood for his own safety.

On March 7, 2007, the OIG interviewed inmate [REDACTED] Federal Correctional Center (FCI) Fort Dix, Wrightstown, New Jersey. [REDACTED] said that when he was incarcerated at the LSCI Allenwood he observed some possible inappropriate behavior between black inmates and [REDACTED] in Lycoming Unit. Specifically, [REDACTED] said on June 18th and June 27th, 2006, he observed [REDACTED] walking in and spending an extended amount of time in cubicle 49 with inmate [REDACTED].

| | |
|---|-----------------------------|
| DATE JUL 24 2008 | SIGNATURE [REDACTED] |
| PREPARED BY SPECIAL AGENT [REDACTED] | |
| DATE JUL 24 2008 | SIGNATURE [REDACTED] |
| APPROVED BY SPECIAL AGENT IN CHARGE James E. Tomlinson | |

Office of the Inspector General
United States Department of Justice

REPORT OF INVESTIGATION

Case No. 100-441117

File No. 100-441117

Subject: [REDACTED]



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SENSITIVE BUT UNCLASSIFIED

REPORT OF INVESTIGATION

| | | |
|--|--|-----------------------------------|
| SUBJECT [REDACTED] Metropolitan Detention Center Brooklyn, New York. | | CASE NUMBER 2009-004117 |
| OFFICE CONDUCTING INVESTIGATION New York | DOJ COMPONENT Bureau of Prisons | |
| DISTRIBUTION <input checked="" type="checkbox"/> NYFO <input checked="" type="checkbox"/> HQ <input checked="" type="checkbox"/> BOP <input type="checkbox"/> <input type="checkbox"/> | STATUS <input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Date of Previous Report: | |

SYNOPSIS

This investigation was initiated by the U.S. Department of Justice (DOJ), Office of the Inspector General (OIG), on March 20, 2009, after an allegation was received from Federal Bureau of Prisons, Office of Internal Affairs, regarding [REDACTED] Metropolitan Detention Center (MDC), Brooklyn, New York. It was alleged that [REDACTED] released sensitive SENTRY information to an inmate without following proper procedures.

On September 16, 2009, [REDACTED] was interviewed by the OIG and admitted that she gave [REDACTED], inmate, [REDACTED] the SENTRY printouts in connection with a project assigned to her by [REDACTED] Educational Supervisor, MDC, Brooklyn. [REDACTED] said that at the time of this incident she was extremely overworked and was running around doing all kinds of jobs. [REDACTED] acknowledged that what she did was wrong and she now is very careful with what she gives out to anyone.

The OIG investigation determined that [REDACTED] provided sensitive SENTRY information to inmate [REDACTED] in violation of BOP Program Statement 1351.05, dated 9/19/2002, which states "Inmate information will be released to a requestor in accordance with federal law and the regulations and policies of the U.S. Department of Justice." The OIG determined that [REDACTED] did not obtain authorization to release inmate information to [REDACTED]

On September 10, 2009, OIG interviewed [REDACTED] Educational Supervisor, MDC, Brooklyn. [REDACTED] was [REDACTED] Supervisor at the time of the incident. [REDACTED] stated that earlier in the year she was approached by inmate [REDACTED] and asked a question regarding a SENTRY printout. [REDACTED] immediately knew that inmates were not permitted to view SENTRY information and took possession of all the material. [REDACTED] then reported the

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|--|------------------------------|
| DATE Nov - 9 2009 | SIGNATURE [REDACTED] |
| PREPARED BY SPECIAL AGENT | |
| DATE Nov 10 2009 | SIGNATURE [Signature] |
| APPROVED BY SPECIAL AGENT IN CHARGE | |

incident and had the inmates brought up to the SHU. [REDACTED] questioned [REDACTED] as to why she gave the SENTRY printouts to [REDACTED]. [REDACTED] told [REDACTED] that she was in a hurry and was working to many projects. She did not realize at the time she was not supposed to give the inmates the printouts.

On September 18, 2009, the OIG presented this case to [REDACTED], Assistant U.S. Attorney, U.S. Attorney's Office, Eastern District of New York. [REDACTED] declined criminal prosecution.

DETAILS OF INVESTIGATION

Predication

This investigation was initiated by the U.S. Department of Justice (DOJ), Office of the Inspector General (OIG), on March 20, 2009, after an allegation was received from Federal Bureau of Prisons, Office of Internal Affairs, regarding [REDACTED] former Educational Specialist/Teacher and current Secretary, Metropolitan Detention Center (MDC), Brooklyn, New York. It was alleged that [REDACTED] released sensitive SENTRY information to an inmate without following proper procedures.

Investigative Process

The OIG investigation consisted of the following interviews and documents review:

Persons Interviewed

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Document Reviewed

- SENTRY printouts that were in inmate [REDACTED] possession
- BOP Program Statement 1351.05, concerning the proper release of inmate information

Background

On September 10, 2009, the OIG interviewed [REDACTED] said that on March 6, 2009 he along with [REDACTED] were designated and working as cadres at the MDC. They both were working in the library, within MDC Brooklyn, which is under the direction of the Education Department at the MDC. On that particular day they were asked by [REDACTED] to assist in a project which involved cleaning out old discovery/legal material left by inmates in lockers after they were released or designated to another facility. [REDACTED] said that [REDACTED] gave him a stack of what appeared to be computer printouts. He noticed the printouts had inmate's names and other coded information which he did not understand.

[REDACTED] told [REDACTED] to review the printouts to see if the inmates were still at the MDC and if not cleanout their lockers. Toward the end of this project [REDACTED] could not understand a particular code on the printout and went

to [REDACTED] Educational Supervisor, to clarify. When he was asking her for clarification [REDACTED] interrupted him and asked where he received the printouts. [REDACTED] said he got them from [REDACTED] [REDACTED] then took possession of all the printouts. [REDACTED] said he was the only one to look at the printout and his coworker [REDACTED] did not look at the printouts. [REDACTED] said that both he and [REDACTED] were escorted to the Special Housing Unit (SHU) while the incident was investigated.

On September 15, 2009, the OIG telephonically interviewed [REDACTED] [REDACTED] said that he was going to be released from the Brooklyn Community Correctional Center and placed on probation within a few hours and was not going to speak to any law enforcement until after he met with his probation officer. Before ending the telephone call [REDACTED] stated that he was placed in the Special Housing Unit for three weeks as a result of this incident. [REDACTED] became angry and upset as he remembered his stay in the SHU and described the unpleasant conditions in the SHU. He then abruptly said that if I wanted to talk to him further I should go through his attorney and he terminated the telephone call.

On September 10, 2009, OIG interviewed [REDACTED] Educational Supervisor, MDC, Brooklyn. [REDACTED] was [REDACTED] Supervisor at the time of the incident. [REDACTED] stated that earlier in the year she was approached by inmate [REDACTED] and asked a question regarding a SENTRY printout. [REDACTED] immediately knew that inmates were not permitted to view SENTRY information and took possession of all the material. [REDACTED] then reported the incident and had the inmates brought up to the SHU. [REDACTED] questioned [REDACTED] as to why she gave the SENTRY printouts to [REDACTED]. [REDACTED] told [REDACTED] that she was in a hurry and was working on many projects. She did not realize at the time she was not supposed to give the inmates the printouts.

On September 16, 2009, the OIG obtained a signed sworn affidavit from [REDACTED] [REDACTED] voluntarily admitted that she gave inmate [REDACTED] the SENTRY printouts in connection with the discovery/legal locker project. She said that at the time of this incident she was extremely overworked. [REDACTED] initially stated that she "inadvertently" and "mistakenly" gave the SENTRY printouts to inmate [REDACTED]. [REDACTED] later acknowledged that she was not authorized to release SENTRY information to inmate [REDACTED]. [REDACTED] account of what happened after the incident is different from both inmate [REDACTED]. [REDACTED] stated that inmate [REDACTED] told her, during a visit to the SHU, that he told [REDACTED] he [REDACTED] should not have been given the printouts by [REDACTED]. According to [REDACTED] and inmate [REDACTED] saw the printouts in [REDACTED] possession while [REDACTED] was asking a question about a code. [REDACTED] then collected all the printouts.

The OIG investigation determined that [REDACTED] provided sensitive SENTRY information to inmate [REDACTED], in violation of BOP Program Statement 1351.05, dated 9/19/2002, which states "Inmate information will be released to a requestor in accordance with federal law and the regulations and policies of the U.S. Department of Justice." The OIG determined that [REDACTED] did not obtain authorization to release inmate information to [REDACTED].

The OIG has included in this report all of the actual SENTRY printouts released to inmate [REDACTED] by [REDACTED].

On September 18, 2009, the OIG presented this case to [REDACTED], U.S. Attorney's Office, Eastern District of New York. [REDACTED] declined criminal prosecution.

The OIG has completed its investigation and is providing this report to the BOP for its review and appropriate action.

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF THE INSPECTOR GENERAL

ABBREVIATED
REPORT OF INVESTIGATION

Case Number: 100-100000

Date: 10/1/80

Report Period: 10/1/80

100-100000



PERSONAL IDENTIFIABLE INFORMATION
SENSITIVE BUT UNCLASSIFIED

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ABBREVIATED REPORT OF INVESTIGATION

| | | |
|--|---|---|
| SUBJECT U.S. Penitentiary Beaumont, Texas | | CASE NUMBER 2009-002059 |
| OFFICE CONDUCTING INVESTIGATION Houston Area Office | | DOJ COMPONENT Federal Bureau Of Prisons |
| DISTRIBUTION <input checked="" type="checkbox"/> Field Office DFO <input checked="" type="checkbox"/> AIGINV <input checked="" type="checkbox"/> Component BOP <input type="checkbox"/> USA <input type="checkbox"/> Other | STATUS <input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Date of Previous Report: | |

SYNOPSIS

This Office of the Inspector General (OIG) investigation was predicated upon a December 11, 2008, referral by the Federal Bureau of Prisons concerning the discovery of two U.S. Penitentiary (USP), Beaumont, Texas, inmate rosters found on December 5, 2008, during an inventory of inmate [REDACTED] property. According to the referral, several inmate names listed on the rosters were highlighted and USP staff confirmed that these names identified inmates affiliated with Mexican prison gangs. Both rosters were printed from a USP Control Center terminal on June 13, 2008, and November 14, 2008, respectively.

According to USP Special Investigative Agent [REDACTED], the USP uses rosters to account for inmates. The OIG learned that the USP Control Center prints seven inmate rosters which are distributed to the Control Center, Tower 8, Laundry Room, Health Unit, Operations Lieutenant's Office, Visitation, and the front entrance lobby. The OIG interviewed assigned Tower 8, Correctional Officer [REDACTED], who said he was unaware that an inmate roster was printed for Tower 8 and he was unable to articulate an operational need for such a roster. However, personnel assigned to the Laundry Room, Health Unit, Control, and the front entrance lobby, satisfactorily described the use and need for an inmate roster. [REDACTED] told the OIG that the inmate roster for the Operations Lieutenant is two-hole punched, placed on a clip board mounted on a wall in the Operations Lieutenant's Office, and kept in plain view.

During a January 7, 2009, OIG interview, [REDACTED] admitted that on two separate occasions, he took and concealed two rosters. [REDACTED] explained that he found page number 10 of an inmate roster dated June 13, 2008, commingled with other inmate paperwork in the USP Health Unit and that he took this roster page to locate the cell assignment of fellow inmate [REDACTED] added that after taking this roster he

| | |
|--|------------------------------|
| DATE March 9, 2009 | SIGNATURE |
| PREPARED BY SPECIAL AGENT [REDACTED] | |
| DATE March 9, 2009 | SIGNATURE [Signature] |
| APPROVED BY SPECIAL AGENT IN CHARGE Wayne D. Beaman | |

determined that [REDACTED] was in the Special Housing Unit and therefore, wanted to send [REDACTED] some toiletries and stationary. [REDACTED] told the OIG that he found a 17-page roster dated November 14, 2008, in the trash inside Housing Unit EB where he serves as the orderly. [REDACTED] rolled up the roster, concealed it in his pants, and returned to his cell. Later, [REDACTED] highlighted names of inmates belonging to the "Países" prison gang listed on the roster. Upon review, the OIG noted that this 17-page roster was two-hole punched similar to the roster maintained in the Operations Lieutenant's Office. [REDACTED] denied having an inappropriate relationship with USP staff or that he requested or offered a bribe to any staff in exchange for the rosters. [REDACTED] refused to cooperate further in this investigation and he was released from custody and deported to Mexico on February 18, 2009.

The OIG was unable to confirm that the Federal Bureau of Prisons maintained a Program Statement addressing the safeguarding and handling of inmate rosters. OIG interviews of USP staff did not develop evidence of willful misconduct regarding the handling of inmate rosters. Additionally, the OIG reviewed the practices and procedures for distributing and handling inmate rosters which disclosed some deficiencies in the safeguarding of the inmate rosters. The OIG learned that each prisoner is subject to search before and after a work detail, and determined that a staff search of [REDACTED] before returning to his cell could have resulted in the discovery of the roster.

The OIG has completed its investigation and is providing this report to the Federal Bureau of Prison BOP for review.

Office of the Inspector General
United States Department of Justice

REPORT OF INVESTIGATION

Case Number

28-1571

Title

Samuel A. Smith

Investigation of

Alvin Eugene Smith, et al., et al.



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SENSITIVE BUT UNCLASSIFIED

ABBREVIATED REPORT OF INVESTIGATION

| | | | |
|---|--|--|--|
| SUBJECT United States Marshals Service Arlington, Virginia | | CASE NUMBER 2008-008711 | |
| OFFICE CONDUCTING INVESTIGATION Washington Field Office | | DOJ COMPONENT United States Marshals Service | |
| DISTRIBUTION | | STATUS | |
| <input checked="" type="checkbox"/> Field Office WFO | | <input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED | |
| <input checked="" type="checkbox"/> AIGINV HQ | | PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | |
| <input checked="" type="checkbox"/> Component USMS | | Date of Previous Report: | |
| <input type="checkbox"/> USA | | | |
| <input type="checkbox"/> Other | | | |

SYNOPSIS

This investigation was predicated upon receipt of information from the United States Marshals Service (USMS), Office of Internal Investigations (OII), alleging that [REDACTED] USMS, exceeded her authority and accessed law enforcement databases to retrieve information for her cousin, [REDACTED] who was seeking information about an individual named [REDACTED]

The Office of the Inspector General (OIG) investigation determined that [REDACTED] are involved in a quarrel over [REDACTED], an individual with whom [REDACTED] maintain an intimate relationship. In her complaint to the USMS, [REDACTED] alleged that [REDACTED] used her position with the USMS to obtain confidential information regarding [REDACTED], which she provided to [REDACTED] alleged that [REDACTED] used this information in furtherance of her efforts to harass [REDACTED]. However, when interviewed by the OIG, [REDACTED] could provide no information to support her allegation.

An audit conducted by the USMS for queries made by [REDACTED] of its law enforcement databases disclosed that [REDACTED] made no queries using the name [REDACTED]. Further, when interviewed by the OIG, [REDACTED] provided a signed sworn statement in which she denied ever accessing law enforcement databases for other than official purposes or ever providing information derived from law enforcement databases to any unauthorized individuals, to include [REDACTED]

The OIG has completed its investigation and is providing this report to the USMS for its review.

| | |
|--|----------------------|
| DATE September 24, 2008 | SIGNATURE [REDACTED] |
| PREPARED BY SPECIAL AGENT [REDACTED] | |
| DATE 7-24-08 | SIGNATURE [REDACTED] |
| APPROVED BY SPECIAL AGENT IN CHARGE FIR Gene E. Morrison | |

Office of the Inspector General
United States Department of Justice

REPORT OF INVESTIGATION

Case Number: 2005-01070-4

Date: June 12, 2005

Report Prepared by:

AIG/DOJ



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SENSITIVE BUT UNCLASSIFIED
Caution - Compelled Statement(s) Within

REPORT OF INVESTIGATION

SUBJECT

[REDACTED]
United States Attorney's Office
Montgomery, Alabama

CASE NUMBER

2008-000904

OFFICE CONDUCTING INVESTIGATION

Atlanta Area Office

DOJ COMPONENT

Executive Office for United States Attorneys (EOUSA)

DISTRIBUTION

☒ Field Office MFO
☒ AIGINV HQ
☒ Component EOUSA
☐ USA
☐ Other

STATUS

☐ OPEN ☐ OPEN PENDING PROSECUTION ☒ CLOSED

PREVIOUS REPORT SUBMITTED: ☐ YES ☒ NO

Date of Previous Report:

SYNOPSIS

This investigation was initiated based on an allegation that [REDACTED], U.S. Attorney's Office (USAO), Middle District of Alabama (MDAL), Montgomery, Alabama, had surreptitiously tape-recorded comments made by co-workers during several official meetings and disclosed those recordings outside the Department of Justice (DOJ). The meetings pertained to the prosecution of a high profile public corruption case. The audio recordings were allegedly made to support an Equal Employment Opportunity (EEO) complaint that [REDACTED] filed against one of her co-workers. During an EEO mediation proceeding, [REDACTED] allegedly told the mediator, [REDACTED], USAO, Civil Division, Northern District of Georgia, that she made the audio recordings and released them outside of DOJ to her private attorney. The Executive Office for United States Attorneys (EOUSA), Office of General Counsel (OGC), was concerned that the audio recordings may have contained grand jury or other sensitive law enforcement information.

In an Office of the Inspector General (OIG) interview, [REDACTED] stated that [REDACTED] told her during the mediation that she had made audio recordings to support her EEO complaint and released those recordings to her attorney. [REDACTED] provided the OIG with a redacted copy of her contemporaneous notes taken during the mediation that contained the word "tapes." In their OIG interviews, the agency representatives to the mediation, Assistant U.S. Attorney [REDACTED] EOUSA, OGC; U.S. Attorney [REDACTED] MDAL; and First Assistant U.S. Attorney [REDACTED] MDAL, all stated that [REDACTED] told them that [REDACTED] had authorized [REDACTED] to inform them about the existence of the audio recordings. The agency representatives requested that [REDACTED] ask [REDACTED] if they could listen to the audio recordings. According to [REDACTED] told her that [REDACTED] would have to first consult with her attorney. Later that evening, [REDACTED] informed the agency representatives that [REDACTED] declined their request, based on advice from her attorney.

DATE 6/12/2008

SIGNATURE [REDACTED]

PREPARED BY SPECIAL AGENT

DATE 6/12/2008

SIGNATURE

Eddie D. Davis

APPROVED BY SPECIAL AGENT IN CHARGE

for Teresa Gulotta-Powers

When initially contacted by the OIG and informed of the general nature of the allegations, ██████ declined a voluntary interview. Shortly thereafter, ██████ forwarded several letters and e-mail to the OIG and EOUSA that stated or suggested that she had not made any audio recordings as alleged.

During a subsequent compelled OIG administrative interview, ██████ denied making an audio recording of any DOJ employee. She also denied providing any audio recordings to her attorney, ██████. In addition, ██████ denied telling ██████ about the existence of any audio recordings or providing any audio recordings to her attorney. According to ██████, she told ██████ that she had "written recordings" supporting her EEO allegations, a copy of which she provided to ██████. ██████ stated that there was a misperception by ██████ or miscommunication between her and ██████ about tape recordings. ██████ declined to submit to an OIG administered polygraph concerning her statements about the audio recordings.

However, when interviewed by the OIG, ██████ stated that he never received any written recordings or audio recordings from ██████ in conjunction with her EEO complaint.

The OIG investigation could not determine if ██████ surreptitiously tape recorded co-workers' comments made during the prosecution of a high profile public corruption case in the MDAL. However, the investigation did conclude, based primarily on the statement by ██████ which was corroborated by the agency representatives and by the statement of ██████ own attorney that:

- ██████ did inform ██████ during the mediation that she had made audio recordings supporting her EEO complaint. Therefore, ██████ made a false statement about the existence of the audio recordings to either ██████ during the mediation or in the letters and e-mail she forwarded to the OIG and EOUSA, in which she denied the existence of tapes. Additionally, ██████ made a false statement to the OIG by denying she told ██████ about the existence of the audio recordings.
- ██████ did inform ██████ that she released the audio recordings to her attorney. Therefore, ██████ made a false statement to ██████ during the mediation based on ██████ statement that ██████ did not release any audio recordings to him. In addition, ██████ made a false statement to the OIG by denying she told ██████ that she released the audio recordings to her attorney.
- ██████ made a false statement to the OIG by stating she provided ██████ with a copy of her written recordings or notes. ██████ told OIG investigators that she had not provided him with any such written recordings or notes.

The USAO for the Middle District of Georgia, Columbus Division, declined prosecution of ██████ for making false statements both during the mediation and the OIG interview due to a lack of prosecution merit and in favor of appropriate administrative action.

The OIG has completed its investigation and is providing this report to the EOUSA for appropriate action.

DETAILS OF INVESTIGATION

Predication

This investigation was initiated based on an allegation from EOUSA that [REDACTED] USAO, MDAL, Montgomery, Alabama had surreptitiously tape-recorded comments made by co-workers during several official meetings and disclosed those recordings outside the DOJ. The meetings pertained to the prosecution of a high profile public corruption case. The audio recordings were allegedly made to support an EEO complaint that [REDACTED] filed against one of her co-workers. During an EEO mediation proceeding, [REDACTED] allegedly told the mediator [REDACTED] USAO, Civil Division, Northern District of Georgia (NDGA), Atlanta, Georgia, that she made the audio recordings and released them outside of DOJ to her private attorney. The EOUSA OGC was concerned that the audio recordings may have contained grand jury or other sensitive law enforcement information.

Investigative Process

The OIG investigation consisted of interviews of the following individuals:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

This investigation also included a review of several letters and e-mail drafted by [REDACTED] and a review of the U.S. Attorney's Manual, U.S. Attorneys' Procedures, and DOJ Orders pertaining to the access and control of Sensitive But Unclassified or Limited Official Use Information.

Background

[REDACTED] and has been with the USAO in Montgomery, Alabama since that time. [REDACTED] assigned to the Civil Division for the MDAL. Her primary duties are related to Affirmative Civil Enforcement, which attempts to recover government money lost to fraud or other misconduct or imposing penalties for violations of federal health, safety, or environmental laws. [REDACTED] also performs collateral duty assignments for the EOUSA EEO Division. During April 2005, [REDACTED] was temporarily assigned to the prosecution team involved in the bribery, conspiracy, and fraud case against former Alabama Governor Don Siegelman and former HealthSouth Chief Executive Officer Richard Scrushy. The prosecution team operated from an off-site location at Maxwell Air Force Base in Montgomery, Alabama, because U.S. Attorney [REDACTED] was recused from the prosecution. In addition to her Affirmative Civil

Enforcement duties, ██████ organized and managed the large number of documents associated with the case. In approximately December 2005, ██████ temporary assignment to the Siegelman/Scrushy case ended.

In approximately July 2007, about 1 ½ years after leaving the temporary assignment, ██████ filed an EEO complaint alleging a hostile work environment based on gender. Specifically, ██████ alleged, among other things, that the trial team at the off-site location (and particularly the lead AUSA) made inappropriate and demeaning remarks of a sexually offensive and discriminatory nature to her.

In an attempt to resolve her EEO complaint, an Alternate Dispute Resolution (mediation) proceeding was held on November 1-2, 2007, in Montgomery, Alabama. ██████, Deputy Chief of the Civil Division at the USAO, NDGA served as the mediator. ██████ represented EOUSA and presented the government's case. U.S. Attorney ██████ also participated in the mediation proceeding as agency representatives to assist in the decision-making process regarding potential resolutions affecting the USAO, MDAL (for example, reassignments and transfers within the office).

Mediation Proceeding and Disclosure of Audio Recordings

At the beginning of the mediation proceeding, ██████, and the agency representatives ██████ met in a joint session to provide opening statements. According to the agency representatives, ██████ read a prepared statement outlining her allegations. Shortly after ██████ began his opening statement, ██████ left the room. For the remainder of the mediation proceeding, ██████ met with the parties separately, alternating between ██████ and the agency representatives. ██████ relayed specific proposals, requests, questions, and responses between the two parties in an attempt to reach a resolution.

During one session, ██████ told the agency representatives that ██████ felt the agency representatives did not believe her. According to ██████, he instructed ██████ to inform ██████ that he did not believe her and that he was confident that any witnesses she might produce would show that no offensive remarks of a sexual nature were made. ██████ requested that ██████ ask ██████ to identify her witnesses to the alleged inappropriate remarks.

Based on ██████ request, ██████ left the agency representatives and returned a short time later to report that she had permission from ██████ to tell them that ██████ had tapes that proved the offensive remarks were made. According to ██████ told her that she had several recordings or tapes, or several instances of recordings were made to support her allegations of a hostile work environment. ██████ made the notation "tapes" in her contemporaneous notes taken during the mediation proceeding and provided a redacted copy of her notes to the OIG.

██████ asked ██████ if the agency representatives could listen to the recordings. ██████ felt that the existence of tapes would have an effect on the credibility of the AUSA involved and, therefore, may have necessitated the need for a monetary settlement. In addition, ██████ was also concerned that the recordings may have contained grand jury material or other sensitive law enforcement information.

According to [REDACTED], she communicated [REDACTED] request to listen to the tapes to [REDACTED] told [REDACTED] that her attorney had the tapes and that [REDACTED] would have to consult with her attorney prior to releasing the tapes. [REDACTED] stated she asked [REDACTED] to contact her attorney. However, [REDACTED] told [REDACTED] the attorney was located in Birmingham, Alabama, but [REDACTED] declined to provide the attorney's name to [REDACTED]

According to the agency representatives, [REDACTED] returned from meeting with [REDACTED] and informed them that [REDACTED] had told her that her attorney had the tapes and that [REDACTED] would have to consult with the attorney prior to releasing the recordings to the agency representatives. The mediation proceeding ended for the day at that point with the understanding that [REDACTED] would let the agency representatives know, through [REDACTED] if they could have access to the tapes. [REDACTED] made the notation "Atty has the tapes" in her contemporaneous notes taken during the mediation proceeding and provided a redacted copy of her notes to the OIG. [REDACTED] explained that "Atty" is her shorthand for "attorney."

[REDACTED] stated that approximately 1 ½ to 2 hours after the mediation proceeding had ended for the day, [REDACTED] contacted [REDACTED] on her cellular telephone at the Embassy Suites Hotel in Montgomery. [REDACTED] told [REDACTED] that her attorney was upset with her for divulging the existence of the tape recordings. [REDACTED] informed [REDACTED] that she would not release the tapes to the agency representatives. [REDACTED] stated that she and the other agency representatives had observed [REDACTED] talking on her cellular telephone at the Embassy Suites Hotel within two hours of the mediation proceeding ending. Shortly thereafter, [REDACTED] approached the agency representatives and informed them that [REDACTED] said she had spoken to her attorney and decided not to release the tapes.

According to [REDACTED] the next day, on November 2, 2007, she tried to mediate a resolution between the parties without review of the tapes but was not successful.

The agency representatives told the OIG that [REDACTED] had informed them again during the 2nd day of the mediation of [REDACTED] intention not to release the tapes. [REDACTED] also stated that [REDACTED] offered, through [REDACTED] to lower her monetary demand from approximately \$300,000 to approximately \$200,000, if they settled that day. The mediation ended at around noon without a resolution being reached.

False Statements to the Mediator or in Documents Submitted to the OIG and EOUSA

On December 17, 2007, the OIG contacted [REDACTED] and notified her that she was the subject of a criminal investigation. After being notified of the allegations against her - the unauthorized disclosure of sensitive law enforcement information outside of DOJ - [REDACTED] declined to be interviewed voluntarily by the OIG.

After the notification, [REDACTED] forwarded several letters, e-mail, and other documentation to both the OIG and EOUSA, stating she had done nothing to warrant being the target of a criminal investigation and was "outraged at the suggestion that she had." [REDACTED] further stated that she had never taped an AUSA or engaged in any illegal conduct. [REDACTED] also stated that the OIG criminal investigation was initiated by U.S. Attorney [REDACTED] in retaliation for [REDACTED] engaging in a "protected activity." [REDACTED] further stated that the OIG's investigation was being used to gather evidence that [REDACTED] could not extract from [REDACTED] during the mediation process.

██████ statements in the documents submitted to the OIG and EOUSA were inconsistent with her reported statements to ██████ during the mediation proceeding. As previously mentioned, ██████ said ██████ told her that she had made audio recordings that supported her EEO complaint, and released those recordings to her attorney.

Due to the inconsistency of ██████ statements to the mediator and her written statements to the OIG and EOUSA relating to the tape recordings, the OIG presented the case for prosecution to the USAO for the Middle District of Georgia (MDGA) for violations of 18 U.S.C. § 1001, false statements. EOUSA assigned the matter to the USAO in MDGA because the USAO in MDAL was recused from the case. AUSA ██████ MDGA, Columbus, Georgia, handled the matter. On March 19, 2008, the USAO, MDGA declined prosecution of ██████ for her false statements to ██████ due to a lack of prosecution merit and potential issues associated with the confidentiality of the mediation process, see 5 U.S.C. § 574.¹

In an e-mail to ██████ and other EOUSA staff dated January 29, 2008, ██████ stated that she “strenuously” objected to the disclosure of any privileged or confidential communication that occurred during the mediation proceeding after she learned that ██████ was going to be interviewed by the OIG. ██████ wrote, “Disclosure of privileged communications from the mediation under these circumstances is extremely prejudicial to me and will result in irreparable harm to me.” In the e-mail, ██████ wrote that she did not waive her privilege with the mediator; however, ██████ did waive her privilege per the mediation agreement when she authorized ██████ to inform the agency representatives about the recordings. Likewise, ██████ incorrectly stated that none of the exceptions to the confidentiality statute applied, which would allow ██████ to disclose confidential dispute resolution communications. ██████ was required by statute to report a potential violation of federal criminal law, which is an exception to the confidentiality statute.

False Statements to the OIG

After the declination of prosecution of ██████, the OIG conducted a compelled administrative interview of ██████ on March 27, 2008. ██████ had notified ██████ by e-mail of the administrative interview and advised ██████ of her obligation to respond fully and truthfully to questions posed during the interview. ██████ responded in an e-mail dated March 20, 2008, “I understand that as a DOJ employee, I have an obligation to participate in any Administrative proceeding, ‘fully and truthfully’ as you stated.”

¹ The OIG notes that the mediation agreement ██████ signed stated, “A mediator may disclose confidences revealed to him/her by one party to other parties, where the disputing party has authorized the mediator to do so.” According to ██████ authorized her to disclose the existence of the audio recordings to the agency representatives. In addition, 5 U.S.C. § 574(a)(3) and (b)(4) allow for a mediator and a party to a dispute resolution proceeding, respectively, to disclose a dispute resolution communication that is required by statute to be made public. Both the Inspector General Act and 28 U.S.C. § 535, “Investigation of Crimes Involving Government Officers and Employees,” require DOJ employees to report violations of federal criminal law.

During her OIG interview, [REDACTED] made the following statements:

- [REDACTED] denied ever audio recording any DOJ employee or providing her attorney with any audio recordings.
- [REDACTED] denied telling [REDACTED] that she had made any tape recordings supporting her EEO allegations during the 2-day mediation proceeding.
- [REDACTED] said she told [REDACTED] that she had “written recordings” supporting her EEO allegations. She maintained that the word “tapes” was never mentioned during the 2-day mediation proceeding – only the words “recordings” or “evidence.” [REDACTED] said there was a misperception or miscommunication between her and [REDACTED] concerning the tape or audio recordings.
- [REDACTED] denied giving [REDACTED] authorization to tell the agency representatives that she had tape recordings, since she said tapes were never discussed.
- [REDACTED] initially stated she could not recall [REDACTED] asking her if the agency representatives could listen to the tape recordings. Later in the interview, she denied [REDACTED] ever asked her.
- [REDACTED] denied telling [REDACTED] that she had released the tape recordings to her attorney. She told [REDACTED] that she gave her attorney a copy of her written recordings or notes that supported a hostile work environment.
- [REDACTED] reiterated to OIG investigators that she provided a copy of her notes supporting her EEO complaint to her attorney, [REDACTED], Birmingham, Alabama.

[REDACTED] declined to submit to an OIG administered polygraph concerning her statements about the audio recordings.

When interviewed by the OIG, [REDACTED] said she was confident that [REDACTED] advised her that she had both tape recordings and a written journal – not just a journal – to support her EEO allegations. [REDACTED] also said that during the mediation proceeding, [REDACTED] statement that she had tape recordings seemed credible to [REDACTED]. In retrospect, [REDACTED] believes [REDACTED] may have made the statement that she had tapes to “bolster” her EEO case.

In their OIG interviews, each of the agency representatives [REDACTED] stated that there was no misunderstanding between them and [REDACTED] about the existence of tapes or audio recordings. The agency representatives also stated that they believed any misunderstanding or miscommunication between [REDACTED] and [REDACTED] about the existence of tapes would have surfaced prior to the mediation proceeding ending. According to each of the agency representatives, during negotiations over the 2 days of mediation proceedings facilitated by [REDACTED], the word “tapes” was used on numerous occasions. In addition, the agency representatives asked to “listen” to the tapes but were told, by [REDACTED] through [REDACTED] that her attorney had possession of the tapes.

█████ said that at the time of the mediation, she believed the tapes did exist but that they would not have supported █████ EEO allegations. █████ believed that █████ "bluffed" about the existence of the tapes to obtain a monetary settlement.

In an OIG interview, █████ stated he represented █████ in connection with her EEO complaint. He said █████ never provided him with any tape recordings and that he was not in possession of any tape recordings relating to his representation of █████ also stated that █████ never provided him with any journal or notes that she may have taken in reference to her EEO complaint.

█████ declined prosecution of █████ for making false statements during the OIG interview due to a lack of prosecution merit and in favor of administrative action.

OIG Findings:

The OIG investigation concluded that:

- Although no evidence was developed to conclude that █████ actually recorded any conversations of co-workers, she did inform █████ during the mediation that she had made audio recordings supporting her EEO complaint. Therefore, █████ made a false statement about the existence of the audio recordings to either █████ during the mediation, or in the letters and e-mail she forwarded to the OIG and EOUSA denying the existence of any tape recordings. Additionally, █████ made a false statement when interviewed by the OIG by denying she told █████ about the existence of the audio recordings during the mediation proceeding.
- █████ informed █████ that she released the audio recordings to her attorney. Therefore, █████ made a false statement to █████ based on █████ statement that █████ did not release any audio recordings to him. In addition, █████ made a false statement during her OIG interview by denying she told █████ that she released the audio recordings to her attorney.
- █████ made a false statement to the OIG by stating she provided █████ with a copy of her written recordings or notes based on █████ statement that she did not give him any written material.

The OIG has completed its investigation and is providing this report to the EOUSA for appropriate action.

Office of the Inspector General
United States Department of Justice

REPORT OF INVESTIGATION

Case Number: 2005-000182

Date: 2/11/05

Report Prepared by:

ARJ/AN



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REPORT OF INVESTIGATION

SUBJECT

District of Nevada
Las Vegas, Nevada

CASE NUMBER

2007-009182

OFFICE CONDUCTING INVESTIGATION

Los Angeles Field Office

DOJ COMPONENT

United States Marshals Service

DISTRIBUTION

- ☒ Field Office
- ☒ AIGINV
- ☒ Component
- ☐ USA
- ☐ Other

STATUS

- ☐ OPEN
 - ☐ OPEN PENDING PROSECUTION
 - ☒ CLOSED
- PREVIOUS REPORT SUBMITTED:** ☐ YES ☒ NO

SYNOPSIS

This Office of the Inspector General (OIG) investigation was initiated based on an allegation received from an FBI Confidential Source (CS) stating [REDACTED] District of Nevada, was co-owner of a business with [REDACTED], a convicted felon. The CS also alleged that [REDACTED] was accessing government databases to obtain personal identifying information and providing that information to unspecified non-government sources, and that he was obtaining information from a private investigator and giving the information to a third party.

The OIG investigation determined that [REDACTED] became acquainted at the Citadel Gun Shop and Safe, where [REDACTED] was a regular patron and [REDACTED] was the gunsmith. Sometime during the summer or fall of 2006, [REDACTED] was approached by special agents of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) and asked to assist the ATF in their investigation of [REDACTED], a convicted felon who was prohibited from working with firearms. The ATF also suspected that [REDACTED] was illegally manufacturing weapons. [REDACTED] agreed to assist the ATF and during the following months provided them with information relating to [REDACTED], for which the ATF was appreciative. [REDACTED] supervisors were made aware from the beginning that [REDACTED] continued contact with [REDACTED] was at the request of the ATF. [REDACTED] was subsequently arrested by the ATF, convicted, and is currently incarcerated at the Federal Prison Camp at Lompoc, California.

The OIG investigation did not substantiate the allegations that [REDACTED] owned a business together or that [REDACTED] knew [REDACTED] was a convicted felon before or during the time they were acquainted. The OIG was also unable to substantiate the allegation that [REDACTED] accessed government computers or utilized a private investigator to obtain information of others for the purpose of supplying that information to non-government sources.

This OIG investigation is closed and referred to the United States Marshals Service for appropriate action.

DATE 2/20/2008

SIGNATURE [REDACTED]

PREPARED BY SPECIAL AGENT

DATE 2/20/2008

SIGNATURE [REDACTED]

APPROVED BY SPECIAL AGENT IN CHARGE

Kenneth R. Strange, Jr.

DETAILS OF INVESTIGATION

Predication

This Office of the Inspector General (OIG) investigation was initiated based on an allegation received from an FBI Confidential Source (CS) that [REDACTED] District of Nevada, was co-owner of a business with convicted felon [REDACTED]. The CS also alleged that [REDACTED] was not only accessing government databases to obtain personal identifying information and providing the information to unspecified non-government sources, but he was also obtaining information from a private investigator and giving the information to a third party.

Investigative Process

The OIG investigation consisted of interviews of [REDACTED]
[REDACTED]

Background

[REDACTED]

[REDACTED] was Unaware of his Association with a Convicted Felon

During interviews conducted by the OIG, witnesses confirmed that both before and during the time [REDACTED] and [REDACTED] were acquainted, [REDACTED] was unaware that [REDACTED] was a convicted felon. The OIG did not find any evidence that [REDACTED] was aware of [REDACTED] criminal history. All witnesses said that [REDACTED] did not know [REDACTED] was a felon until the ATF informed him and requested his assistance in their investigation of [REDACTED] immediately notified his superiors of ATF's request and received authorization to assist in the investigation. His contact with [REDACTED] from then on was directed by the ATF and terminated when [REDACTED] was arrested.

Vegas Firearms Academy

The FBI CS provided a Certificate of Training from Vegas Firearms Academy for a Basic Tactical Rifle course. The certificate had [REDACTED] names pre-printed on it and identified each of them as senior instructors. During the course of the investigation, the OIG queried various databases and indices but was unsuccessful in locating any business in the State of Nevada named Vegas Firearms Academy, or any variation thereof.

██████████ Had No Knowledge – Says ██████████

During an OIG interview, ██████████ confirmed that he was previously employed as a gunsmith at the Citadel Gun Shop and Safe in Las Vegas, Nevada. He also admitted that he met ██████████ at the Citadel and was aware ██████████. He considered ██████████ a friend. According to ██████████ did not know he was a convicted felon. He avoided telling ██████████ because he valued ██████████ friendship and knew ██████████ could not associate with him if he knew the truth. He and ██████████ once discussed going into business together, but he backed out because he knew it could cost ██████████ his career at the USMS.

██████████ advised that, at the request of a Citadel customer who had taken a rifle course, he created the Certificate of Training from the Vegas Firearms Academy on his home computer. ██████████ added that, at his request because he had to work a gun show for the Citadel that day, ██████████ filled in as a substitute instructor. One of the students, a Chinese tourist, requested a certificate from ██████████ and insisted that both ██████████ signatures appear on it. ██████████ explained to ██████████ that a student requested the certificate, and ██████████ signed it.

██████████ advised that he ██████████ was paid \$200 for the training course in which ██████████ substituted for him. ██████████ did not receive any money for teaching the course and did not know that ██████████ had been paid either. ██████████ confirmed that the Vegas Firearms Academy does not exist; ██████████ independently made up the name and certificate, and fraudulently produced the desired certificate at the request of the trainee.

Allegation that ██████████ Gave Information to Non-government Sources

The OIG determined that ██████████ has legitimate, authorized access to government computers as part of his duties as a DUSM. As there was no specific suspicious activity to query, the OIG did not analyze ██████████ computer for the purpose of establishing access history. The OIG did not find any evidence or indication that ██████████ had given any personal identifying information to a non-government source.

██████████ Meets ██████████ at Citadel

During two voluntary OIG interviews, ██████████ confirmed he met ██████████ at the Citadel, where ██████████ was a regular patron and where ██████████ was the gunsmith. He considered ██████████ a friend. In the spring of 2006, ATF SA ██████████ asked him to assist in an ATF investigation of ██████████. ██████████ advised ██████████ that ██████████ was a convicted felon. ██████████ said that was when he first heard about ██████████ criminal history. He described his reaction as shocked and angry. He immediately notified his superiors about ██████████ felon status and that the ATF had requested his assistance in the ██████████ investigation. ██████████ and his superiors agreed to assist in the investigation. At ATF's request, ██████████ continued his relationship with ██████████ and provided information to ATF case agent ██████████. ██████████ was subsequently arrested and convicted.

██████████ advised he and ██████████ were never in business together. He confirmed that he signed two or three Vegas Firearms Academy Certificates of Training at ██████████ request and was surprised when he saw his and ██████████ names pre-printed on the certificates. He did not recall exactly what ██████████ said at the time

he asked him to sign the certificates, but he recalled it had something to do with Citadel patrons [REDACTED] and Joe LNU (last name unknown). However, he could not recall whose names were on the certificates he signed. [REDACTED] advised he thought it was appropriate to sign the certificates because, although he was never a firearms instructor for the Citadel or with [REDACTED], he had informally assisted [REDACTED] and Joe LNU with rifle safety and basic marksmanship. He advised that Vegas Firearms Academy does not exist and that he and [REDACTED] did not own a business by the same name, or any other business.

[REDACTED] stated he has never accessed a government computer for the purpose of obtaining personal identifying information in order to provide that information to non-government sources. He also denied ever providing any information obtained from a private investigator to a third party. He said he does not know any private investigators.

[REDACTED] advised that he believes it was [REDACTED] that falsely accused him of the allegations. [REDACTED] is engaged to [REDACTED] is very unhappy about it. He has been harassing [REDACTED] and [REDACTED], making their lives difficult. Also, [REDACTED] was one of only two or three people that [REDACTED] thought had a Vegas Firearms Academy certificate.

Polygraph Examination

[REDACTED] refused to submit to an OIG administered polygraph examination offered to him for the purpose of verifying the validity of his answers to interview questions. He did, however, agree to the follow-up interview conducted on February 4, 2008.

Office of the Inspector General
United States Department of Justice

REPORT OF INVESTIGATION

Case Number 257-1005

Date NOV 1 1962

Report Provided on

AK/KY



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ABBREVIATED REPORT OF INVESTIGATION

| | | | | | |
|---|------|--|---|---|--|
| SUBJECT Federal Correctional Institution, Schuylkill Minorsville, Pennsylvania | | | CASE NUMBER 2007008478 | | |
| OFFICE CONDUCTING INVESTIGATION Philadelphia Area Office | | | DOJ COMPONENT Federal Bureau of Prisons | | |
| DISTRIBUTION | | | STATUS | | |
| <input checked="" type="checkbox"/> Field Office | NYFO | | <input type="checkbox"/> OPEN | <input type="checkbox"/> OPEN PENDING PROSECUTION | <input checked="" type="checkbox"/> CLOSED |
| <input checked="" type="checkbox"/> AIGINV | HQ | | PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | | |
| <input checked="" type="checkbox"/> Component | BOP | | Date of Previous Report: | | |
| <input type="checkbox"/> USA | | | | | |
| <input type="checkbox"/> Other | | | | | |

SYNOPSIS

This investigation was initiated by DOJ, Office of the Inspector General (OIG) on July 31, 2007, after information was received from [REDACTED], Special Investigative Service (SIS), Federal Correctional Institution (FCI), Schuylkill, Pennsylvania that three anonymous notes were received which alleged that Correctional Officer [REDACTED] had an inappropriate sexual relationship with Federal Bureau of Prisons (BOP) inmate [REDACTED]. The anonymous notes also alleged that [REDACTED] brought contraband into FCI Schuylkill for inmate [REDACTED].

FCI Schuylkill SIS staff identified numerous occasions where [REDACTED] allowed inmate [REDACTED] into the Correctional Officer's office on unit 2B. Often times, [REDACTED] allowed inmate [REDACTED] to be in the office in excess of 30 minutes. Several times, [REDACTED] left inmate [REDACTED] alone in the office unattended while she patrolled unit 2B.

On August 17, 2007, OIG interviewed the following FCI Schuylkill inmates regarding [REDACTED]

- [REDACTED]
- [REDACTED]

[REDACTED] denied any relationship with [REDACTED]. He also denied receiving contraband from [REDACTED]. Inmate [REDACTED] cellmate, refused to answer any questions regarding the investigation.

| | |
|---|-----------------------------|
| DATE 10/09/07 | SIGNATURE [REDACTED] |
| PREPARED BY SPECIAL AGENT [REDACTED] | |
| DATE OCT - 3 2007 | SIGNATURE [REDACTED] |
| APPROVED BY SPECIAL AGENT IN CHARGE | |

On August 17, 2007, OIG Special Agents [REDACTED] interviewed [REDACTED] regarding this investigation. The interview took place at FCI Schuylkill and was also attended by SIS [REDACTED]. [REDACTED] adamantly denied that she ever brought any contraband into FCI Schuylkill. She also denied having a sexual relationship with inmate [REDACTED]. [REDACTED] admitted that she allowed inmate [REDACTED] into unit 2B's correctional officer's office on numerous occasions. [REDACTED] also admitted that she often allowed inmate [REDACTED] to remain in the office alone while she conducted rounds on the unit. CO [REDACTED] also admitted that on at least five occasions, she and inmate [REDACTED] went into an unoccupied common area between unit 2A and 2B. According to [REDACTED], she left inmates unattended while she and inmate [REDACTED] were alone in the unauthorized area.

The investigation was presented to Assistant U.S. Attorney [REDACTED] who declined criminal prosecution.

Based on the investigations findings, the OIG determined that [REDACTED] violated BOP Standards of Employee Conduct, 3420.09, section 9(b) and 10(a).

The OIG has completed its investigation and is providing this report to the Federal Bureau of Prisons for their review and action deemed appropriate.

**Office of the Inspector General
United States Department of Justice**

REPORT OF INVESTIGATION

Case Number: 2007-006404

Date: 02/07/2007

Report Prepared by:

ALG/IV



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ABBREVIATED REPORT OF INVESTIGATION

| | | |
|---|---|---|
| SUBJECT Bannum Place of Montgomery (Contract Halfway House) Montgomery, Alabama | | CASE NUMBER 2007-006624 |
| OFFICE CONDUCTING INVESTIGATION Atlanta Area Office | | DOJ COMPONENT Federal Bureau of Prisons |
| DISTRIBUTION <input checked="" type="checkbox"/> Field Office MFO <input checked="" type="checkbox"/> AIGINV HQ <input checked="" type="checkbox"/> Component BOP <input type="checkbox"/> USA <input type="checkbox"/> Other | STATUS <input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Date of Previous Report: | |

SYNOPSIS

This investigation was initiated based on allegations that former part-time [REDACTED], Bannum Place Halfway House, Montgomery, Alabama, routinely engaged in sexual harassment and sought sexual favors from residents in exchange for preferential treatment. Additionally, [REDACTED] allegedly knew about the allegations, but failed to report them to Bannum Place management.

Prior to the initiation of an OIG investigation, resident [REDACTED] covertly recorded [REDACTED] engaging in sexually explicit or inappropriate conversations with her over the telephone while she was at home on a weekend pass. Shortly before the recordings were made, [REDACTED] provided a urine sample to Bannum Place officials, which subsequently tested positive for alcohol. As a result of the positive test, [REDACTED] was transferred to the Elmore County Jail in Wetumpka, Alabama pending BOP disciplinary action.

During the course of the OIG investigation, [REDACTED] filed a petition for a Writ of Habeas Corpus with the United States District Court for the Middle District of Alabama challenging her transfer to a more restrictive confinement. She claimed her due process rights were violated because she was not afforded a BOP disciplinary hearing. In the petition, [REDACTED] also claimed she was subjected to cruel, corrupt, degrading, and obscene conditions at Bannum Place. [REDACTED]'s petition was dismissed based on her failure to exhaust administrative remedies. She will remain in the Elmore County Jail until her projected release from BOP custody on September 24, 2007.

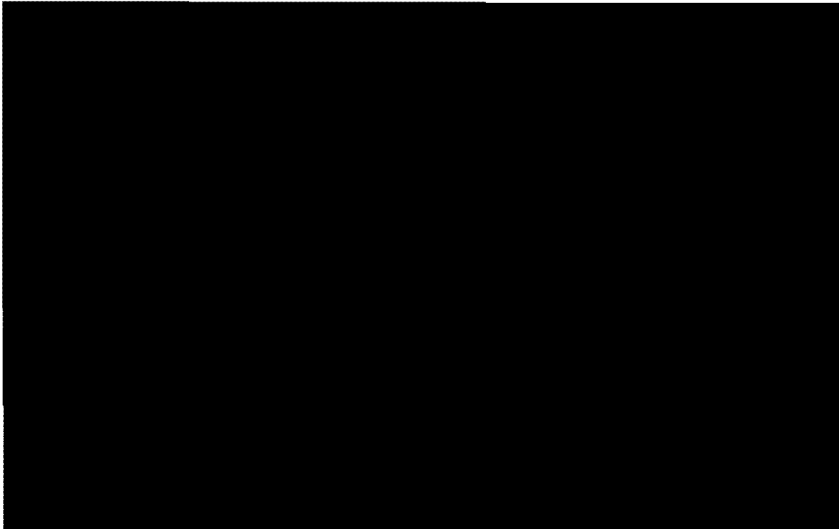
| | |
|--|--------------------------------|
| DATE 09/07/2007 | SIGNATURE [REDACTED] |
| PREPARED BY SPECIAL AGENT [REDACTED] | |
| DATE 09/07/2007 | SIGNATURE Eddie O Davis |
| APPROVED BY SPECIAL AGENT IN CHARGE for Teresa Gulotta-Powers | |

Prior to being interviewed by the OIG, [REDACTED] were terminated by Bannum Place after the BOP suspended their clearances to work with federal offenders. The BOP suspended their clearances based on their inappropriate behavior with [REDACTED]. [REDACTED] resigned his position to seek other employment.

The United States Attorney's Office for the Middle District of Alabama declined criminal prosecution of the four subjects of this investigation due to a lack of prosecution merit. The decision was based on the recorded conversations that showed [REDACTED] enticed the men, and [REDACTED] lack of credibility demonstrated during her testimony at the civil hearing.

The OIG has concluded its investigation and all criminal and administrative actions are complete. We are providing this report to the BOP for its information.

ADDITIONAL SUBJECTS



UNITED STATES DEPARTMENT OF JUSTICE

OFFICE OF THE INSPECTOR GENERAL

**ABBREVIATED
REPORT OF INVESTIGATION**

Case Number: **100-100000**

Date: **10/10/07**

Report Number: **100-100000**

ABSTRACT



THIS REPORT CONTAINS SENSITIVE LAW ENFORCEMENT MATERIAL. IT MAY NOT BE LOANED OUTSIDE YOUR AGENCY AND SHOULD BE CONTROLLED IN CONNECTION WITH OFFICIAL AGENCY ACTION. NO PORTION OF THIS REPORT MAY BE COPIED OR DISTRIBUTED WITHOUT THE KNOWLEDGE AND CONSENT OF THE INSPECTOR GENERAL.

ABBREVIATED REPORT OF INVESTIGATION

| | | |
|---|--|---|
| SUBJECT [REDACTED] Giles Dalby Correctional Facility Post, Texas | | CASE NUMBER 2007004505 |
| OFFICE CONDUCTING INVESTIGATION Dallas Field Office | | DOJ COMPONENT Bureau of Prisons |
| DISTRIBUTION <input checked="" type="checkbox"/> Field Office DFO <input checked="" type="checkbox"/> AIG/INV <input checked="" type="checkbox"/> Component BOP <input type="checkbox"/> USA <input type="checkbox"/> Other | STATUS <input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Date of Previous Report: | |

SYNOPSIS

This investigation was initiated based on information received from the Bureau of Prisons regarding an alleged inappropriate relationship between a staff member and inmate at the Giles Dalby Correctional Facility, Post, Texas. Special Housing Unit staff observed and monitored [REDACTED] engaging in inappropriate conversation. A subsequent property search revealed [REDACTED] possessed a letter written by [REDACTED]

When interviewed by the Office of the Inspector General (OIG), [REDACTED] denied engaging in any type of sexual activity with [REDACTED] but did admit:

- Discussing personal matters with [REDACTED] on numerous occasions.
- Receiving several letters written by [REDACTED]

After being observed speaking with [REDACTED] voluntarily resigned her employment and agreed to an OIG interview in which she:

- Denied smuggling contraband to [REDACTED] or any inmate.
- Denied engaging in sexual relationships with [REDACTED] or any inmate.
- Admitted writing five letters to [REDACTED]
- Admitted discussing personal issues with [REDACTED]

The Office of the Inspector General has completed its investigation, all administrative actions are complete, and this report is provided to the Bureau of Prisons for its review.

| | |
|---|----------------------------------|
| DATE May 30, 2007 | SIGNATURE [REDACTED] |
| PREPARED BY SPECIAL AGENT [REDACTED] | |
| DATE May 30, 2007 | SIGNATURE <i>Wayne D. Beaman</i> |
| APPROVED BY SPECIAL AGENT IN CHARGE Wayne D. Beaman | |

Office of the Inspector General
United States Department of Justice

REPORT OF INVESTIGATION

Case Number: 200-40748

Date: July 27, 1994

Report of:

ALFRED

BRADY



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SENSITIVE BUT UNCLASSIFIED

ABBREVIATED REPORT OF INVESTIGATION

| | | | |
|--|--|--|--|
| SUBJECT United State Penitentiary Atwater, California | | CASE NUMBER 2009-004445 | |
| OFFICE CONDUCTING INVESTIGATION San Francisco Area Office | | DOJ COMPONENT Bureau of Prisons (BOP) | |
| DISTRIBUTION | | STATUS | |
| <input checked="" type="checkbox"/> Field Office SFAO | | <input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED | |
| <input checked="" type="checkbox"/> AIGINV HQ | | PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | |
| <input checked="" type="checkbox"/> Component BOP | | Date of Previous Report: | |
| <input type="checkbox"/> USA | | | |
| <input type="checkbox"/> Other | | | |

SYNOPSIS

This investigation was initiated based on an allegation from [REDACTED] that USP Atwater [REDACTED] told him that he had a copy of the video of Correctional Officer Jose Rivera's murder and that he offered to let [REDACTED] view it. [REDACTED] reported that he declined the offer and asked [REDACTED] if he was going to put the video on the Internet. [REDACTED] alleged that [REDACTED] responded, "Not yet." Rivera was murdered on June 20, 2008, by USP Atwater inmates [REDACTED]. Criminal charges are pending against both inmates in the Eastern District of California and the video is evidence in that case. [REDACTED], the Assistant United States Attorney (AUSA) assigned to the prosecution of the inmates, told the OIG that recovering unauthorized copies of the video, if any, was his priority.

The investigation determined that [REDACTED] copied the digital video of Rivera's murder, as well as other BOP digital video files, from a BOP computer to a personal flash drive, and removed it from USP Atwater without authorization, in violation of BOP Program Statement P1237.13 (Information Security). The investigation did not substantiate that [REDACTED] showed the video of Rivera's murder to anyone else or that he disseminated it on the Internet.

On March 27, 2009, [REDACTED] was interviewed by the Office of the Inspector General (OIG) and admitted he copied, from the BOP Network Video Recorder (NVR), the video of Rivera's murder as well as a copy of a video of when he was taken hostage by inmates on October 31, 2007. [REDACTED] said he copied the videos to his personal flash drive and took it home to view later. [REDACTED] denied making any additional copies of the videos or disseminating them in any way. [REDACTED] also denied showing the videos to any other person, but admitted he

| | |
|--|-----------------------------|
| DATE July 27, 2009 | SIGNATURE [REDACTED] |
| PREPARED BY SPECIAL AGENT [REDACTED] | |
| DATE July 27, 2009 | SIGNATURE [REDACTED] |
| APPROVED BY SPECIAL AGENT IN CHARGE for Kenneth R. Strange, Jr. | |

offered to show the video of Rivera's murder to ██████████ admitted he did not have authorization to remove the videos from USP Atwater. ██████████ voluntarily released the flash drive to the OIG, but stated he copied over the videos and that it might be necessary to utilize a forensic recovery program to retrieve them.

The OIG conducted a computer forensic examination of the flash drive and recovered video footage of the scene where Rivera's murder took place (OIG was unable to recover video of the murder as it actually took place), video from when ██████████ had been taken hostage, and numerous inmate posted picture files.

On June 25, 2009, the OIG interviewed ██████████ concerning the inmate posted picture files that had been found on his flash drive. ██████████ said he had been assigned the task of developing the electronic posted picture file program for USP Atwater. He had the images of the posted picture files on his personal flash drive because he worked on this program at home. ██████████ stated he could not recall if he obtained permission to work on the electronic posted picture file program from home, but that he may have told ██████████ that he was doing that.

██████████ were interviewed and both denied giving ██████████ permission to work on the electronic posted picture file program from his residence or during off-hours.

██████████ was provided the details of the investigation and subsequently declined prosecution of ██████████ for potential violations of Exceeding Authorized Access to a Computer and Obstruction of a Criminal Investigation.

This report of investigation is being forwarded to the BOP for appropriate administrative action.