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April 24, 2017

VIA ELECTRONIC TRANSMISSION

David Harlow
Acting Director
U.S. Marshals Service
Washington, D.C. 20530-00001

Dear Acting Director Harlow:

I previously wrote to the Department inquiring about allegations that several former Assistant Directors of the U.S. Marshals Service (USMS) misused their public office for private gain.¹ Whistleblowers had alleged that multiple senior leaders directed or induced their subordinates to prepare their applications for the Senior Executive Service. A report prepared by the Committee's majority staff in November 2016 concluded that documents demonstrated that subordinates of the former Assistant Director of the Asset Forfeiture Division "did draft significant portions of [her] SES application."² Recently, the Merit Systems Protection Board (MSPB) upheld disciplinary action against the former Assistant Director of the Judicial Security Division (JSD) for the same behavior.³

The MSPB opinion in that case discusses testimony suggesting that these ethics violations are commonplace in the Marshals Service.⁴ For example, the current Assistant Director for Investigative Operations, Derrick Driscoll, also appears to have benefited from his subordinates' assistance with his SES application. According to testimony described in this recent MSPB opinion, the former USMS Director "instructed his subordinates to recreate Driscoll's package so that it met OPM's requirements" after he "could not get his package approved by OPM."⁵

Accountability for misconduct must be consistent across the agency for employees to have confidence in the agency's leaders, and ethics rules must be enforced so that the taxpayers can have confidence in their government. Accordingly, please

¹ Letter from Charles E. Grassley, Chairman, U.S. Sen. Comm. on the Judiciary to Sally Quillian Yates, Deputy Attorney General, U.S. Dep't of Justice (June 10, 2015).

² Majority Staff Report, U.S. Sen. Comm. on the Judiciary, *Allegations of Improper Hiring Practices and Whistleblower Reprisal at the U.S. Marshals Service*, S. Prt. 114-25 at 22 (Nov. 2016).

³ *Douglas v. Dep't of Justice*, M.S.P.B, DC-0752-17-0130-I-1 (Mar. 27, 2017).

⁴ *Id.* at 7.

⁵ *Id.*

respond to the following questions by May 8, 2017. Please number your answers according to the corresponding questions.

1. Since the Committee first raised allegations of misuse by senior USMS officials of public office for private gain, how many additional individuals have been alleged to have violated this ethics rule?
2. For any of these individuals, including those identified in the course of the recent MSPB case who are current USMS employees, has the USMS opened an investigation into those allegations? If not, why not?
3. If those allegations are sustained, will the USMS impose the same discipline on these individuals as that imposed against the former Assistant Director of JSD?
4. What steps has the USMS taken to ensure its employees, including its senior leadership, understand the ethics rules?

Thank you for your cooperation in this matter. If you have any questions, please contact DeLisa Lay of my committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman

cc: The Honorable Dianne Feinstein
Ranking Member

The Honorable Jeff Sessions
Attorney General
U.S. Department of Justice

The Honorable Michael Horowitz
Inspector General
U.S. Department of Justice