

May 31, 2017

VIA ELECTRONIC TRANSMISSION

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

Dear Acting Director Harlow:

On February 23, 2016, the Department of Justice Office of Inspector General concluded that in 2010, two U.S. Marshals Service Chief Inspectors solicited prostitutes while on detail in Mexico and engaged in sexual relations with them in a taxpayer-funded apartment.¹ The OIG concluded that the chief inspectors violated Marshals Service policy prohibiting “criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct.”² The OIG has previously noted that Department of Justice employees who engage in prostitution, even in jurisdictions where it is legal, undermine the Department’s ability to effectively combat human trafficking, “a crime that DOJ seeks to eradicate.”³ Further, such conduct can pose significant security risks. “DOJ employees who participate in [] prostitution can be compromised and made vulnerable to exploitation, manipulation, or duress.”⁴ OIG has also found that USMS in the past has failed to report solicitation of a prostitute by an employee overseas to security personnel, even though security personnel believed the behavior was potentially disqualifying for the holder of a security clearance.⁵

The OIG’s report was provided to this Committee in the midst of numerous allegations of a significant accountability gap within the USMS. Whistleblowers from multiple districts and divisions across the agency have alleged that the USMS does not hold its senior leaders and their friends accountable to the same standard as lower level

¹ U.S. Dep’t of Justice Office of Inspector General, Case No. 2015-007158 (Feb. 23, 2016) (see Attachment 1).

² See also 5 C.F.R. § 735.203, defining “notoriously disgraceful conduct” as “conduct which, were it to become widely known, would embarrass, discredit, or subject to opprobrium the perpetrator, the Foreign Service, and the United States.”

³ U.S. Dep’t of Justice Office of the Inspector General, *Review of Policies and Training Governing Off-Duty Conduct by Department Employees Working in Foreign Countries* (Jan. 2015), available at: <https://oig.justice.gov/reports/2015/e152.pdf>.

⁴ *Id.*

⁵ U.S. Dep’t of Justice Office of the Inspector General, *The Handling of Sexual Harassment and Misconduct Allegations by the Department’s Law Enforcement Components* at 32 (Mar. 2015), available at: <https://oig.justice.gov/reports/2015/e1504.pdf>.

employees, those not in favor with leadership, and particularly those who have raised issues of waste, fraud, abuse, and other misconduct. It is alleged that at least one of these chief inspectors continues to travel on TDY to Mexico and continues to hold a security clearance with no requirement to mitigate the potential risks.⁶ Further, whistleblowers allege that the chief inspectors received only a short suspension for this behavior. This was reportedly the same level of discipline as that imposed on another employee under their supervision and authority who was asked to assist in soliciting and paying one of these prostitutes and who the OIG found to be forthcoming—unlike the chief inspectors, who the OIG found less credible. If the reports of USMS handling of these allegations are true, they are troubling and send the message to other employees that the agency does not take these matters seriously.

In order to better understand the agency's practices of holding employees accountable for misconduct and ensuring those employees do not pose unnecessary security risks to law enforcement operations overseas, please respond to the following questions by June 14, 2017. Please number your answers according to their corresponding questions.

1. What disciplinary actions has the USMS taken against the chief inspectors in this case, or against any other individual for conduct related to this case?
2. Did the USMS report these findings to its security personnel?
3. If not, why not? If so, what steps if any has the USMS taken to mitigate security risks associated with this behavior and to ensure it does not recur?

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

⁶ See *id.* at 32 (In a prior incident, a USMS employee solicited a prostitute in Thailand. USMS security personnel, after they were finally notified of this conduct, “required the DUSM to admit the conduct to the DUSM’s spouse in order to mitigate potential security risks, such as potential exposure to coercion, extortion, and blackmail.”).

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

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

ABBREVIATED REPORT OF INVESTIGATION

SUBJECT [REDACTED]		CASE NUMBER [REDACTED]	
OFFICE CONDUCTING INVESTIGATION Atlanta Area Office		DOJ COMPONENT United States Marshals Service	
DISTRIBUTION		STATUS	
<input checked="" type="checkbox"/> Field Office	MFO	<input type="checkbox"/> OPEN	<input type="checkbox"/> OPEN PENDING PROSECUTION
<input checked="" type="checkbox"/> AIGINV		<input type="checkbox"/> 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

The Office of the Inspector General (OIG) initiated this investigation upon the receipt of an anonymous letter in which it was alleged that [REDACTED] and [REDACTED], United States Marshals Service (USMS), engaged in sexual misconduct while detailed to [REDACTED], by taking prostitutes to a vetted USMS apartment occupied by [REDACTED].

The preponderance of evidence supports a finding by the OIG that [REDACTED] and [REDACTED] solicited prostitutes in [REDACTED]. Specifically, their conduct and relevant witness testimony is consistent with and supports the allegations that they did. [REDACTED]

[REDACTED] told the OIG that in April 2010, while detailed to [REDACTED], he allowed [REDACTED] to bring an unidentified female to an apartment that he shared with [REDACTED]. [REDACTED] said he recalled receiving a telephone call from USMS [REDACTED] at approximately 3:00 a.m. asking if [REDACTED] could bring the female to his apartment, and he agreed to the arrangement. [REDACTED] stated that he did not know if the female was a prostitute, if [REDACTED] engaged in sex with the female, or how long they stayed at his apartment, because he returned to his bedroom after they entered his apartment. [REDACTED] and [REDACTED]

DATE	February 23, 2016	SIGNATURE	[REDACTED]
PREPARED BY SPECIAL AGENT			
DATE	February 23, 2016	SIGNATURE	<i>Robert A. Bourbon</i>
APPROVED BY SPECIAL AGENT IN CHARGE			
		Robert A. Bourbon	

corroborated statement to the OIG regarding accompanying a female to apartment. However, denied that the female was a prostitute or that they engaged in sex, which conflicted with statement to the OIG in which he said the female was a prostitute. denied to the OIG that he brought a prostitute to apartment and confirmed statement. told the OIG that he did not personally know or and that he had no knowledge of them bringing prostitutes to the apartment he shared with

also told the OIG that on the same night that went to apartment with the alleged prostitute, he saw leave the bar with a prostitute. Furthermore, said he recalled a second occasion in 2009 or 2010 when he propositioned a prostitute in the Spanish language for . said the woman agreed to a date with and she followed him, , and back to their Marriott hotel. said that on the following day, gave him his hotel key and requested escort the woman from room and pay her . said reimbursed him for the he gave to the prostitute. Conversely, account of events conflicted with statements to the OIG when denied that he had proposition a prostitute on his behalf or that he reimbursed for providing to the prostitute. admitted to the OIG that in 2009, he allowed an intoxicated woman to spend the night in his room at the Marriott hotel and that removed the female from his room the following morning at his request. However, denied the woman was a prostitute or that they engaged in sex. told the OIG that he had no knowledge of soliciting prostitutes. , , and all refused to submit to a voluntary OIG-administered polygraph examination regarding their assertions to the OIG.

[REDACTED]

[REDACTED]

As reported above, the preponderance of evidence supports a finding by the OIG that and solicited prostitutes in . Their conduct and relevant witness testimony is consistent with and supports the allegations that they did. The OIG based this conclusion on the following:

- told the OIG that on the date in question, he arranged sometime around 3 a.m. for to take a prostitute to the apartment;

- [REDACTED] admitted taking an unknown woman to the [REDACTED] apartment sometime after midnight. Although [REDACTED] denied to the OIG that the woman was a prostitute, his testimony is contradicted by [REDACTED];
- [REDACTED] told the OIG that on a prior occasion, he had assisted [REDACTED] in procuring and paying for a prostitute;
- [REDACTED] told the OIG that on the same night he arranged for [REDACTED] to take a prostitute to the apartment shared by [REDACTED] and [REDACTED], he witnessed [REDACTED] leaving a bar with another prostitute;
- The OIG found that [REDACTED] testimony to the OIG was more credible than that provided by [REDACTED] and [REDACTED] because [REDACTED] acknowledged his own role in assisting his colleagues engage in the improper conduct, and the OIG found no evidence of ill will, animosity, or bias by [REDACTED] toward either [REDACTED] or [REDACTED] to explain his providing inculpatory evidence against them. Although the OIG does not condone [REDACTED] conduct in facilitating the association by [REDACTED] and [REDACTED] with prostitutes, he was forthcoming and acknowledged his actions in exposing the wrongdoing of his colleagues. [REDACTED] candor mitigates his own potential misconduct.

The OIG concluded that [REDACTED] and [REDACTED] solicitation of prostitutes in [REDACTED] likely violated USMS Policy Directive 1.2, Code of Professional Responsibility, Section E, paragraph 28 – Conduct, which states that: *Avoid any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, including use of intoxicants and illicit drugs.*

[REDACTED]

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

ADDITIONAL SUBJECTS

[REDACTED]