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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

November 19, 2021

The Honorable Michael E. Horowitz
Inspector General
U.S. Department of Justice
Office of the Inspector General
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Dear Inspector General Horowitz:

You recently testified during a Senate Judiciary Committee hearing about your investigation of the Federal Bureau of Investigation's mishandling of allegations against former USA Gymnastics physician Larry Nassar. Following up on this hearing, we respectfully request that you conduct additional audits of the FBI's efforts to investigate and prevent sex crimes against children.

Your testimony and recent report painted a shocking picture of the FBI's dereliction of duty in this case, including its failure to take basic investigative steps or notify state or local law enforcement of the continued threat Nassar posed. The FBI's failures had a devastating effect on the four brave gymnasts who also testified, and on the more than 70 young athletes whom Nassar abused in the fifteen months during which the FBI failed to do its job.

As Director Wray acknowledged, the FBI's failures are unacceptable and a stain on the Bureau. It is our duty as members of the Judiciary Committee to help ensure the FBI's failures are never repeated.

Your office made several important policy and training recommendations to the FBI at the conclusion of your investigation. The FBI accepted all of those recommendations and Director Wray reiterated the agency's commitment to implementing them during his testimony. As the Director himself acknowledged, however, many of the failures your office identified occurred in violation or neglect of already-existing FBI policy. For example, at the time of the Nassar investigation, the FBI's policies on documenting witness statements and the proper storage and handling of evidence were explicit, yet FBI supervisors failed to comply with those directives. Likewise, established policy and federal ethics rules prohibited Special Agent in Charge W. Jay Abbott from negotiating for employment with the U.S. Olympic Committee while engaged in an active investigation of USA Gymnastics, yet he did so anyway.

For these reasons, there is no guarantee that policy and training improvements alone will actually achieve better outcomes for survivors of abuse and prevent the FBI from repeating its

missteps in future cases. It is our understanding that, as part of your standard closeout procedures, the Office of the Inspector General (OIG) will follow up with the FBI to confirm that it has implemented the recommendations in the OIG report. This Committee believes, however, that OIG should take additional steps to ensure that the FBI's approach to child sex abuse cases is thorough, competent, and compassionate, and that its policy and training improvements actually have their intended effect.

As such, we request OIG perform additional audits of the FBI's work involving sex crimes against children. At a minimum, assuming that OIG confirms during its closeout process that the FBI has implemented the recommendations in the recent Nassar report, we request OIG take additional steps to audit and evaluate the FBI's compliance with the new training and policy changes and the effectiveness of those changes in addressing the problems that the Nassar report brought to light. Additionally, we request that OIG conduct a comprehensive audit of the FBI's Crimes Against Children Program, with a particular focus on sex crimes and sex trafficking. In performing both audits, we ask that OIG evaluate both the FBI's national approach and specific field offices. As part of the review, we recommend OIG interview federal agents and their local task force partners, victim advocates, sexual assault survivors, and leading experts in the field. The review should evaluate the FBI's effectiveness in investigating and curtailing abuse and the FBI's compliance with internal policies designed to ensure that it is responding swiftly and appropriately to allegations of child sex abuse.

It is our hope that additional audits will identify further areas of improvement for the FBI related to sex crimes against children and result in better outcomes for survivors. We must continue thorough oversight to ensure that federal law enforcement achieves its mission to protect young people from abuse.

We look forward to your prompt response. Thank you for your time and consideration.

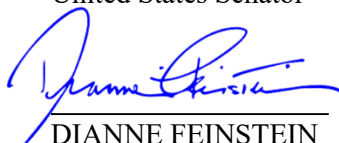
Sincerely,



RICHARD J. DURBIN
Chair



PATRICK LEAHY
United States Senator



DIANNE FEINSTEIN
United States Senator



CHARLES E. GRASSLEY
Ranking Member



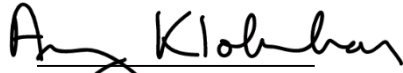
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