

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

REPORT OF INVESTIGATION

SUBJECT [REDACTED] Special Agent in Charge [REDACTED]		CASE NUMBER [REDACTED]	
OFFICE CONDUCTING INVESTIGATION Denver Field Office		DOJ COMPONENT Drug Enforcement Administration	
DISTRIBUTION		STATUS	
<input checked="" type="checkbox"/> Field Office DNFO <input checked="" type="checkbox"/> AIGINV <input checked="" type="checkbox"/> Component DEA <input type="checkbox"/> USA <input type="checkbox"/> Other		<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 Department of Justice (DOJ) Office of the Inspector General (OIG) initiated this investigation upon the receipt of information from an anonymous caller alleging that in [REDACTED], Drug Enforcement Administration (DEA) [REDACTED] Assistant Special Agent in Charge (ASAC) [REDACTED] had contact with a police officer in [REDACTED], after the officer observed him having sex in a park with an unidentified woman [REDACTED] and that DEA [REDACTED] supervisors were aware of the incident.

During the course of the investigation, the OIG found indications that DEA [REDACTED] Special Agent in Charge (SAC) [REDACTED] failed to properly report [REDACTED] interaction with the [REDACTED] Police Department [REDACTED] officer to DEA Office of Professional Responsibility (OPR), and provided false statements during his OIG interviews concerning the [REDACTED] allegation.

[REDACTED] The OIG investigation did find that [REDACTED] failed to act in a professional manner as a DEA employee when the [REDACTED] officer observed [REDACTED] and the woman apparently engaged in sexual activity in a public park while in a state of undress. During the investigation, [REDACTED] retired from his position at the DEA [REDACTED], and subsequently refused to provide a statement to the OIG. [REDACTED]

DATE	November 1, 2018	SIGNATURE	[REDACTED]
PREPARED BY SPECIAL AGENT			
DATE	November 1, 2018	SIGNATURE	[REDACTED]
APPROVED BY SPECIAL AGENT IN CHARGE		Sandra D. Barnes	

Digitally signed by SANDRA BARNES
 Date: 2018.11.01 12:29:59 -06'00'

[REDACTED]

The OIG investigation found that [REDACTED]: (1) failed to properly report to DEA OPR [REDACTED] contact with the [REDACTED]; (2) showed favoritism to [REDACTED] by not reporting the incident to DEA OPR, which would have allowed for an impartial review of the incident; and (3) provided false statements under oath to the OIG concerning his knowledge of the allegations involving [REDACTED], all in violation of 5 CFR 2635.101, Basic Obligation of Public Service, and DEA Manual, Chapter 27, Personnel Relations and Services, Employee Responsibilities and Conduct, Section 2735.14, Responsibilities, and Section 2735.15, Employee Conduct Requirements.

The U.S. Attorney's Office [REDACTED] declined criminal prosecution of [REDACTED].

The OIG previously conducted an investigation [REDACTED] on [REDACTED] in which the OIG substantiated misconduct involving, among other things, lack of candor, failure to report, and favoritism. However, the DEA did not sustain the charge of lack of candor, but warned [REDACTED] that any further infraction may result in more severe disciplinary action or other management action as appropriate.

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

ADDITIONAL SUBJECT

[REDACTED]
Assistant Special Agent in Charge
[REDACTED]
[REDACTED]

DETAILS OF INVESTIGATION

Predication

The Department of Justice (DOJ) Office of the Inspector General (OIG) initiated this investigation upon the receipt of information from an anonymous caller alleging that in [REDACTED] Drug Enforcement Administration (DEA) [REDACTED] Assistant Special Agent in Charge (ASAC) [REDACTED], had contact with a police officer in [REDACTED], after the officer observed him having sex in a park with an unidentified woman [REDACTED] and that DEA [REDACTED] supervisors were aware of the incident. A search of OIG records failed to identify a similar documented complaint allegation involving [REDACTED].

The OIG identified and interviewed the [REDACTED] Police Department [REDACTED] Officer who encountered [REDACTED] and the woman in the park. The officer stated that on [REDACTED], he observed a male and female [REDACTED] in the backseat of a vehicle that was parked in a trailhead parking lot and asked the occupants to exit the vehicle with their identification. The officer further stated that [REDACTED] exited the vehicle without a shirt and identified himself as an ASAC with the DEA [REDACTED] and presented his DEA badge and credentials. The officer did not issue a citation to [REDACTED] and did not identify the woman who remained in the vehicle throughout the encounter. [REDACTED]

During the course of the investigation, the OIG found indications that DEA [REDACTED] Special Agent in Charge (SAC) [REDACTED] failed to properly report [REDACTED] interaction with the [REDACTED] Police Department [REDACTED] officer to DEA Office of Professional Responsibility (OPR), and may have provided false statements during his OIG interviews concerning the [REDACTED] allegation.

Investigative Process

The OIG's investigative efforts consisted of interviews of the following DEA personnel:

[REDACTED]

[REDACTED] Special Agent in Charge

Interviews of the following [REDACTED] Police Department personnel:

[REDACTED]

Individuals who declined to be interviewed:

- [REDACTED], Retired DEA Assistant Special Agent in Charge
- Woman identified by the OIG as being the woman in the park with [REDACTED]

Review of the following:

- Telephone records for [REDACTED], and the woman believed by the OIG to have been in the park with [REDACTED]
- Forensic report for [REDACTED] DEA issued Blackberry device
- DEA e-mail for [REDACTED]
- [REDACTED] Time and Attendance records
- Security log for DEA [REDACTED]

The content of any text messages between [REDACTED] and [REDACTED] were unavailable for the OIG to review as part of this investigation because DEA does not maintain such data, and also because [REDACTED] device was “wiped” subsequent to his retirement from the DEA [REDACTED], before the OIG could obtain the device for forensic analysis.

Relevant Authority

Title 28 Code of Federal Regulations, Part 0, Subpart E-4, Reporting to the OIG, states, in part, evidence and non-frivolous allegations of criminal wrongdoing or serious administrative misconduct by Department of Justice employees shall be reported to the OIG, or to a supervisor or a Department component's internal affairs office for referral to the OIG.

Title 18 U.S.C. § 1001 makes it a crime to make any materially false, fictitious, or fraudulent statement or representation in any matter of the executive branch of the U.S. government.

The Standards of Ethical Conduct for Employees of the Executive Branch, articulated in 5 CFR § 2635.101, “Basic Obligation of Public Service,” states in pertinent part the following:

(a) Public service is a public trust. Each employee has a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws and ethical principles above private gain. To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each employee shall respect and adhere to the principles of ethical conduct set forth in this section, as well as the implementing standards contained in this part and in supplemental agency regulations.

(b) General principles. The following general principles apply to every employee and may form the basis for the standards contained in this part. Where a situation is not covered by the standards set forth in this part, employees shall apply the principles set forth in this section in determining whether their conduct is proper.

(1) Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.

(8) Employees shall act impartially and not give preferential treatment to any private organization or individual.

(14) 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. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

DEA Manual, Chapter 27, states in pertinent part the following:

Personnel Relations and Services, Employee Responsibilities and Conduct, Responsibilities, Section 2735.14

- A(1) It is the responsibility of DEA supervisors to set and maintain high standards of personal conduct as an example to employees and that supervisory personnel will be held to a higher standard of conduct given their status as managers.
- C(3) Employees should maintain the highest standard of honesty, integrity, professionalism, and impartiality in their conduct.
- C(6) Employees should report, as appropriate, the misfeasance or malfeasance of other employees.

Employee Conduct Requirements, Section 2735.15

- L(3) Employee Testimony and Accuracy in Official Documents, directs employees to recount and provide all facts, data, information, and any other form of evidence in a truthful and fully responsive manner when questioned.
- O, Misuse of Office, prohibits an employee from using his official position to give preferential treatment to another individual.
- Q, Unprofessional Conduct, states employees are responsible for behaving in a professional manner appropriate to the setting, and to be mindful that their conduct and demeanor reflects directly upon the DEA and will ensure that their actions do not reflect unfavorably upon the DEA. No employee will act in a manner which will bring disgrace or disfavor upon the DEA.
- S(2), Occurrences an Employee Must Report to His or Her Supervisor, states that an employee must immediately report to their supervisor instances whereby they have been held for investigation or detained for questioning.
- S(4) states an employee must immediately report to their supervisor any instance in which they are questioned by law enforcement authorities in circumstances that suggest they might be under investigation for or suspected of a potential crime.
- S(6) states any other illegal activity or other misconduct must be reported and is not limited to the other instances outlined in the DEA policy.
- T, Reporting Situations Which Reflect on the Integrity of an Employee or on DEA, states allegations or complaints regarding infractions of these standards of conduct must be reported to proper DEA authorities.
- T(1), states any employee who has any information which indicates or alleges that another employee is engaged in improper or illegal activities in violation of these standard of conduct will immediately report such information to their supervisor or directly to OPR.
- T(2), states a supervisor must make a determination whether the matter can be handled at the local level or represents a serious matter which warrants reporting to OPR. Consultation with the supervisor's chain of command or OPR officials should be obtained in questionable circumstances.

Police Encounter and Unprofessional Behavior in a Public Park

The information provided to the OIG [REDACTED], by an anonymous caller, alleged that in early [REDACTED] had contact with a police officer in [REDACTED], after the officer observed him having sex in a public park with an unidentified woman [REDACTED] and that DEA [REDACTED] managers were aware of the police encounter. The OIG determined that the encounter actually occurred in [REDACTED]; however, it was never reported to DEA OPR or the OIG.

Officer [REDACTED] Encounter with [REDACTED]

The OIG identified and interviewed the [REDACTED] Officer, [REDACTED], who observed [REDACTED] and the woman in the car. [REDACTED] told the OIG that while on patrol on [REDACTED] he observed a vehicle that was parked in a trailhead parking lot with its lights on. When [REDACTED] approached the vehicle, he saw two people in the backseat [REDACTED]. [REDACTED] knocked on the side of the vehicle, identified himself as a police officer, and asked the occupants to step out with identification.

[REDACTED] said that after waiting for a moment and knocking again, a male occupant exited the front passenger-side seat of the vehicle and identified himself as [REDACTED]. [REDACTED] told [REDACTED] he had a firearm in the vehicle and was an ASAC with the DEA [REDACTED] and presented his DEA badge and credentials. [REDACTED] apologized and stated he picked a bad place to park. [REDACTED] concluded his encounter with [REDACTED] and did not issue a citation, write an incident report, or identify the woman who remained in the vehicle throughout the encounter.

[REDACTED] said he chose not to issue a citation to [REDACTED] and did not provide preferential treatment as a result of [REDACTED] DEA position. [REDACTED] stated he has never issued a citation in similar circumstances and frequently does not complete incident reports pursuant to citizen encounters during patrol duties. [REDACTED] later reported his encounter with [REDACTED] and the woman to [REDACTED] supervisor because [REDACTED] was a law enforcement official.

Contacts DEA [REDACTED] During the [REDACTED] Encounter with [REDACTED]

[REDACTED] told the OIG that he contacted [REDACTED] and DEA [REDACTED] during the encounter with [REDACTED] because of [REDACTED] position [REDACTED] and his ability to verify [REDACTED] claim that he was a DEA ASAC. The OIG identified a 4-minute telephone call from [REDACTED] to [REDACTED]. [REDACTED] stated that [REDACTED] told him [REDACTED] and the woman were in the backseat of the vehicle in [REDACTED] and they "appeared to be having sex." [REDACTED] stated that [REDACTED] called him back a short time later and advised that [REDACTED] did not issue [REDACTED] or the woman a citation and asked them both to leave the park.

[REDACTED] stated that, following the call with [REDACTED], he called DEA [REDACTED] and reported all of the information that [REDACTED] had provided him

concerning [REDACTED] encounter with [REDACTED] and the woman. The OIG identified a 8-minute telephone call from [REDACTED] to [REDACTED]

[REDACTED] told the OIG that [REDACTED] called him around lunch time and stated he needed to discuss “a problem.” [REDACTED] reported that [REDACTED] told him that, while on patrol, [REDACTED] officer observed [REDACTED] and a woman who appeared to be having sex in a vehicle at a park [REDACTED]. [REDACTED] told the OIG that [REDACTED] stated [REDACTED] told the [REDACTED] officer that he was a DEA agent, and had his firearm and DEA credentials in the vehicle’s glovebox, and that the [REDACTED] officer told [REDACTED] to “compose himself and get out of the park.” [REDACTED] [REDACTED] stated that [REDACTED] told him that the [REDACTED] officer did not issue a citation to [REDACTED] or the woman, but per [REDACTED] protocol, the encounter was going to be reported “fairly high” up the [REDACTED] chain of command. [REDACTED] said it was clear from his conversation with [REDACTED] that the [REDACTED] officer determined that [REDACTED] and the woman’s conduct in the backseat of the vehicle was sexual in nature, not that they were merely eating lunch or having a picnic.

[REDACTED] told the OIG he then called DEA [REDACTED] and notified [REDACTED] of his prior conversation with [REDACTED]. [REDACTED] stated that [REDACTED] initially thought he was “joking,” but then told [REDACTED] that he would call [REDACTED] to inquire about his whereabouts. [REDACTED] stated that [REDACTED] called him back a few minutes later and advised [REDACTED] that he had spoken to [REDACTED] and told [REDACTED] that he was aware of [REDACTED] police encounter. [REDACTED] stated that [REDACTED] then told him that he would contact [REDACTED] for additional information and “would run with it from there.” [REDACTED] told the OIG that he had no further involvement with the allegation.

[REDACTED] told the OIG that he received a telephone call from [REDACTED] on [REDACTED], because [REDACTED] and advised that [REDACTED] had received a telephone call from [REDACTED] regarding the [REDACTED] recent encounter with [REDACTED] and a woman in a vehicle. [REDACTED] stated that [REDACTED] further advised him that [REDACTED] and the woman were [REDACTED] in the backseat” of the vehicle at the time of the police encounter, and [REDACTED] advised [REDACTED] that he would “take care” of the allegation.

DEA [REDACTED] Contacts [REDACTED] on [REDACTED] Regarding [REDACTED] Police Encounter

[REDACTED] explained that, after speaking with [REDACTED], he called [REDACTED] and told him that [REDACTED] had received information that [REDACTED] had been contacted by the [REDACTED], and [REDACTED] then experienced “a long pause.” [REDACTED] stated that he told [REDACTED] that the police contact was going “to get out,” and that [REDACTED] needed to talk to [REDACTED] and “give him a heads up.” [REDACTED] stated that he did not ask [REDACTED] any questions, and [REDACTED] did not offer an explanation for the police encounter or make any attempt to diminish the incident. [REDACTED] told the OIG he decided to call [REDACTED] because he believed it was [REDACTED] responsibility to “self-report” the police encounter to [REDACTED], and because it was [REDACTED] “mess.”

[REDACTED] told the OIG he then called [REDACTED] and told him to contact him for any future information regarding the allegation, and to take [REDACTED] out of the situation. [REDACTED] stated that [REDACTED] then relayed to him the information about [REDACTED] that was very consistent with [REDACTED] account. [REDACTED] stated that [REDACTED] “basic story” was that [REDACTED] and the woman were [REDACTED] in the back of a car. After [REDACTED] concluded his conversation with [REDACTED], he had no further contact with anyone throughout that day regarding the allegation. [REDACTED] said that the next morning he ran into [REDACTED] at the DEA [REDACTED] office, and [REDACTED] told him that he had already talked to [REDACTED] about the incident. [REDACTED] said he considered the matter as having been handled. [REDACTED] met with [REDACTED] later that day and asked him if [REDACTED] had spoken to him. [REDACTED] stated that [REDACTED] replied that he had, and the two men did not discuss it further.

█████ said that shortly after █████, he and █████ discussed █████ encounter with the █████ in vague terms due to the fact that █████ did not want to get involved. █████ told █████ that he was in the backseat of the vehicle with a woman when the █████ officer contacted them, and █████ told the officer that he was a DEA agent and had a firearm in the vehicle. █████ stated he understood from his brief conversation with █████ that if █████ and the woman were not yet engaged in sexual activity at the time the █████ officer contacted them, then they were about to become engaged in sexual activity. █████ said that no one, to include █████, █████, and █████, ever told him that █████ and the woman were merely eating lunch in the backseat of the vehicle.

An OIG review of phone records for █████, █████, █████, and █████ that occurred on █████ was consistent with the timeline of events as they described them to the OIG.

█████ Speaks With █████ About the Police Encounter that Same Day

█████ told the OIG he learned about █████ interaction with █████ police officer after █████ drove to the DEA █████ office on the same date as the incident, even though █████ was on annual leave that day, and personally reported the police encounter to █████. An OIG review of DEA key card records revealed that █████ entered the DEA █████ █████. █████ said that █████ told him that his personal vehicle was parked in a trailhead parking lot and that he was eating lunch in the backseat of his personal vehicle with █████ when a police officer knocked on his personal vehicle's door and requested his identification. █████ said he exited the vehicle and showed the officer his DEA credentials because █████ had a firearm in the vehicle. █████ stated that █████ did not offer the identity of the woman that was with him. █████ said that █████ reported that he fully cooperated with the officer and was told he was free to leave. █████ stated that █████ never disclosed any information to █████ that suggested █████ was engaged in any form of sexual activity with the woman, and █████ said he never asked █████ about the identity of the woman █████

█████ told the OIG he did not know why █████ felt the need to drive to the DEA █████ office from █████ while on annual leave to personally report to █████ that he was contacted by a police officer while eating lunch in the backseat of a vehicle █████, but that █████ appeared to be "spun up" at the time. █████ said he did not question █████ further about the woman █████ stated that he does not remember █████ making any statement to him about their clothing being off at the time they were contacted by the █████ officer, and █████ added that even if they did have their clothing removed, it would not have necessarily caused him to suspect █████ was engaged in sexual activity with the woman. █████ added that █████ offered him "no words" about them doing anything other than they had just █████ and were merely eating lunch at the time of █████ officer's contact.

█████ Police Contact was Reported to the Highest Level in the █████ Police Department

█████ told the OIG he recalled the █████ incident involving █████, and stated that his understanding of the events was that █████ made contact with █████ and an unidentified female in a vehicle at a █████ park, and █████ suspected they were engaged in sexual activity. █████ then told █████ that it was not a good place to park, and that he should move on. █████ stated █████ did not to cite █████ or the female, and chose not to do a police report to which

stated was appropriate discretion for to make.

After becoming aware of the incident involving was assured by his command staff that the appropriate notifications were made to the DEA.

told the OIG he recalled the incident involving, and said that his understanding of the incident was that made brief contact with and an unidentified female in a vehicle at a park, and their behavior in the vehicle was "sexual in nature." said he determined at the time that the incident was "nefarious enough to make a notification" to the DEA and to supervisor, . also said that subordinate at the time, told that he made the appropriate notification of the incident to his DEA counterpart.

, and all told the OIG that it was their understanding from internal conversations around the time of the incident concerning contact with and the female at the park, was that and the female were inside of a vehicle at the park, and their behavior was suspected to be sexual in nature.

OIG's Unsuccessful Attempts to Interview and the Female Companion

An OIG review of DEA cellular telephone records for revealed 60 telephone calls and that more than half of the calls involved a number subscribed to a woman from . The only call placed from DEA cellular telephone on , was to this same number and the only call activity one week prior and one week after that date was also to this number. A search for the same telephone number in personal cellular telephone records, which the OIG obtained by IG subpoena, failed to return a match.

During the investigation, retired from his position at the DEA, and subsequently refused to provide a statement to the OIG. The OIG attempted to interview the above referenced woman on two separate occasions but she also declined. One day after the second attempted interview of the woman, told the OIG that he received a text message from who inquired if the OIG's investigation was still ongoing because he was aware of the OIG's recent contact with the woman.

OIG's Conclusion

The OIG found that failed to act in a professional manner as a DEA employee when the officer observed and the woman apparently engaged in sexual activity in a public park while in . The OIG concluded that properly reported his interaction with the officer to his supervisor,

Failure to Report to DEA OPR and Lack of Candor

Friendship with

According to he has been employed with the DEA at which point he began supervising

Contacts on Shortly After Met With

told the OIG that he received a telephone call from on after prior conversations with and, and inquired about encounter with officer. The OIG identified a telephone call to DEA issued cellular telephone from an unknown extension within the DEA for a connection time of 3 minutes. At the exact time that call concluded, personal cell phone received a call from an unknown extension within the DEA at 3:10 p.m. for a connection time of 2 minutes. Based on the sequence of events, the OIG believes that these calls were more likely than not placed by, first to and then to.

told the OIG that, during his call with, he relayed to all of the information he had previously received from about conduct earlier that day. stated that he told that and the woman were in the backseat of a vehicle appeared to be having sex when they were approached by.

told the OIG that “might have” told him at the time of his disclosure that was aware of his police encounter and that this information prompted to contact shortly after spoke with to determine if disclosure matched up with recitation of events. said he took disclosure of the encounter at face value and had no reason to disbelieve him, but still wanted to discuss it with denied to the OIG that told him during their telephone conversation that and the woman were in the backseat of the vehicle and appeared to be having sex, To the contrary, stated that recitation of events was very similar to and “kind of verified” prior statement to. said that he does not believe lied to the OIG concerning his recollection of his conversation with, but that must have been confused, and theorized that conversations about police encounter with peers, and, would have been different than the conversation had with due to higher position as a SAC.

Decision to Not Report Police Encounter to DEA OPR

told the OIG he chose not to report disclosure of the police encounter to OPR because actions clearly had no nexus to his job. stated that even if he had learned that and the woman were engaged in some type of sexual activity in the park, he was not “entirely sure” that it would have changed his decision to not refer it to OPR. said that, if there had been a vastly dissimilar statement between and concerning the encounter, it might have caused to question further or possibly report it to DEA OPR.

was questioned about the DEA’s reporting responsibilities concerning when an employee learns that another DEA employee violated the DEA’s *Standards of Conduct*, and that the employee has an obligation to report the information immediately to their supervisor or OPR. said erred on the side of caution in reporting the encounter to him, and that decided not to report it to OPR based on the information he had at the time. added that may have felt it was a reportable offense, but did not.

said it was not reportable because he did not consider encounter with the officer to be a detention because was civil to the officer, did what the officer asked him to do, and was free to leave at any time. further reasoned that the officer never had “custodial contact” with , did not hold for investigation, and did not detain for questioning. added that if had refused the officer’s demand to provide identification that it could have led to a detention, but the argument that was held for investigation or detained for questioning was “very nebulous.”

OIG’s Conclusion

The OIG found that lacked candor under oath during his OIG interview concerning his knowledge of the circumstances surrounding encounter with the . Specifically, falsely claimed that told him that the police encounter involved and a woman eating lunch in the backseat of a vehicle and did not involve any suspected sexual activity, or . The OIG concluded that lacked candor because no other person the OIG interviewed provided an account of the police encounter that explained it as simply having lunch in the back seat of the vehicle . Indeed, all other accounts, including direct observations, account of what told him, and account of what told them, account of what told him, and account of what he told , specified that and the woman and either engaged or about to be engaged in sexual activity at the time of the encounter. Moreover, had the events been as claims they were described to him by – that was simply having lunch – they likely would not have drawn the attention of Officer and caused to notify officials within the of the encounter. Similarly, neither , nor himself would likely have considered it necessary for to notify of the police encounter if the activity was limited to what claimed told him. For these reasons, the OIG determined that the overwhelming weight of the evidence supported a finding that statement about his conversation with was more credible than account of what told him about police encounter. Accordingly, we concluded that lacked candor under oath.

The OIG was unable to interview about what he told because he retired shortly after the OIG initiated this investigation and declined to be interviewed by the OIG after his retirement. The OIG is unable to compel testimony of former employees.

Given our finding that [REDACTED] was told by [REDACTED] on [REDACTED] that [REDACTED] police encounter earlier that day was the result of suspected sexual activity by [REDACTED] in his car in a public park [REDACTED], we further found that [REDACTED] failed to properly report [REDACTED] police encounter to DEA OPR. After [REDACTED] was contacted by [REDACTED] officer, he felt the contact was reportable and immediately did so to [REDACTED]. Because of [REDACTED] admitted friendship with [REDACTED] [REDACTED] showed bad judgement by not consulting with OPR about the referral even though [REDACTED] was not issued a citation or arrested. The OIG found that [REDACTED] conduct violated 5 CFR 2635.101, Basic Obligation of Public Service, and DEA Manual, Chapter 27, Personnel Relations and Services, Employee Responsibilities and Conduct, Responsibilities, Section 2735.14, paragraph A(1), that states it is the responsibility of DEA supervisors to set and maintain high standards of personal conduct as an example to employees and that supervisory personnel will be held to a higher standard of conduct given their status as managers. In addition, Chapter 27, Personnel Relations and Services, Employee Responsibilities and Conduct, Responsibilities, Section 2735.14, paragraph C(3), states employees should maintain the highest standard of honesty, integrity, professionalism, and impartiality in their conduct. Chapter 27, Personnel Relations and Services, Employee Responsibilities and Conduct, Responsibilities, Section 2735.14, paragraph C(6), states employees should report, as appropriate, the misfeasance or malfeasance of other employees. DEA Manual, Chapter 27, Employee Conduct Requirements, Section 2735.15, paragraph L(3), Employee Testimony and Accuracy in Official Documents, directs employees to recount and provide all facts, data, information, and any other form of evidence in a truthful and fully responsive manner when questioned. DEA Manual, Chapter 27, Employee Conduct Requirements, Section 2735.15, paragraph O, Misuse of Office, prohibits an employee from using his official position to give preferential treatment to another individual. DEA Manual, Chapter 27, Employee Conduct Requirements, Section 2735.15, paragraph T(1), states any employee who has any information which indicates or alleges that another employee is engaged in improper or illegal activities in violation of these standard of conduct will immediately report such information to their supervisor or directly to OPR. Lastly, DEA Manual, Chapter 27, Employee Conduct Requirements, Section 2735.15, paragraph T(2), states a supervisor must make a determination whether the matter can be handled at the local level or represents a serious matter which warrants reporting to OPR. Consultation with the supervisor's chain of command or OPR officials should be obtained in questionable circumstances.

Previous OIG Investigation

The OIG previously conducted an investigation [REDACTED] of [REDACTED] in which the OIG substantiated misconduct involving, among other things, lack of candor, failure to report, and favoritism, and on [REDACTED], provided the Report of Investigation to DEA.

[REDACTED]

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