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Sent: Thursday, March 26, 2015 5:33 PM

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Cc: Holske, Russell C.; Clarke, Amie S.; DeLena, Jon C.; Patterson, Robert W.

Subject: OIG Final Report: OIG Review of the Handling of Sexual Harassment and Misconduct Allegations by the Department's Law Enforcement Components

All – FYI, attached is the OIG report on Sexual Misconduct that was released by the OIG today and has been gaining media attention, particularly focusing on alleged misconduct by DEA Agents in Colombia several years ago that came to light in 2010 as a result of DEA's prosecution of corrupt Colombian National Police (CNP) Officers. These allegations were fully investigated by DEA OPR. The report makes 8 overall recommendations which are outlined below, with 6 of them being specific to DEA and the other DOJ law enforcement components. DEA HQS, with field and foreign office input, will identify actions to be taken to implement the recommendations.

#### OIG RECOMMENDATIONS:

- 1) All four law enforcement components should ensure that supervisors and managers report all allegations of sexual misconduct and sexual harassment to headquarters, and they should consider ensuring compliance with this requirement by including it in their performance standards so as to subject supervisors and managers to possible discipline for falling to report allegations.
- 2) ATF, DEA, and USMS should ensure that all non-frivolous sexual harassment and sexual misconduct allegations are referred to their respective security personnel to determine if the misconduct raises concerns about the employee's continued eligibility to hold a security clearance, and to determine whether the misconduct presents security risks for the component.

- 3) The components should have and follow clear and consistent criteria for determining whether an allegation should be investigated at headquarters or should be referred back to the originating office to be handled as a management matter.
- 4) All four law enforcement components should use the offense categories specifically designed to address sexual misconduct and sexual harassment, and revise their tables if they are inadequate or otherwise deter the use of such categories.
- 5) The Office of the Deputy Attorney General (ODAG) should ensure that the Department's zero tolerance policy on sexual harassment is enforced in the law enforcement components and that the component's tables of offenses and penalties are complimentary and consistent with respect to sexual harassment.
- 6) The Office of the Deputy Attorney General (ODAG) should develop policy explicitly prohibiting the solicitation of prostitutes in a foreign jurisdiction even if the conduct is legal or tolerated, and ensure that all component offense tables include language prohibiting this form of misconduct.
- 7) All four law enforcement components, in coordination with ODAG, should acquire and implement technology and establish procedures to effectively preserve text messages and images, for a reasonable period, and take concrete steps to acquire such technology to proactively monitor the same and make the information available as appropriate to misconduct investigators and for discovery purposes.
- 8) All four law enforcement components, in coordination with ODAG, should take concrete steps to acquire and implement technology to be able to, as appropriate in the circumstances, proactively monitor text message and image data for potential misconduct.