



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

April 28, 2015

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

The Department recently learned that the Drug Enforcement Administration (DEA) had in March 2015 completed the disciplinary process for its employees involved in the detention of Mr. Daniel Chong by DEA's San Diego Field Division. Given your previous interest in this matter, including your letters to DEA Administrator Leonhart dated August 27, 2014, and April 21, 2015, we would like to share with you the outcome of that process.

As you are aware, the Department of Justice (Department) Office of the Inspector General (OIG) initiated an investigation into this matter in late April 2012. In the normal course, DEA awaited the OIG's findings, which were issued in June 2014. DEA's Office of Professional Responsibility (OPR) reviewed the OIG report, concluded it was sufficient to forward to the DEA Board of Professional Conduct (Board), and, as a result, DEA did not pursue a further investigation. Following its review, the Board issued proposed discipline regarding two DEA employees and two DEA task force officers identified in the OIG report, as well as four additional DEA personnel identified by the Board. The enclosed chart depicts the final disposition of the disciplinary matters involving all six DEA personnel found to be involved in the incident regarding the custody of Mr. Chong. In summary, the DEA-imposed penalties on the six agents involved in this matter ranged from Letters of Reprimand to a seven day suspension without pay. DEA referred the cases against the two task force officers back to their parent agencies because DEA does not have authority to administer discipline to non-DEA personnel.

What happened to Mr. Chong is unacceptable. While DEA leadership took immediate steps following the incident to implement protocols and procedures with regard to monitoring holding cells and detainees, given the significant misconduct at issue, the Department has serious concerns about the adequacy of the discipline that DEA imposed on these employees. DEA's failure to impose significant discipline on these employees further demonstrates the need for a systematic review of DEA's disciplinary process, which former Attorney General Eric Holder recently directed. As you know, through this review, the head of the Department's Office of Professional Responsibility will examine DEA's processes and procedures for investigating allegations of misconduct as well as its processes determining and effectuating disciplinary action where appropriate. Following this review, the Department will work with DEA to enhance its policies and procedures to ensure that all allegations are thoroughly investigated and that any substantiated findings of misconduct are properly addressed through the disciplinary process.

The Honorable Charles E. Grassley
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We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter J. Kadzik". The signature is stylized with a large initial "P" and a long horizontal stroke.

Peter J. Kadzik
Assistant Attorney General

Enclosure

Cc: The Honorable Patrick J. Leahy
Ranking Member

Final disposition of disciplinary matters involving DEA personnel concerning the detention of Mr. Daniel Chong

Agent	Charge	Discipline Received	Date of Discipline
Supervisory Special Agent	Failure to Exercise Proper Supervision (Two specifications)	Suspension Without Pay for 7 Days	3/13/2015
Special Agent #1	Inattention to Duty	Suspension Without Pay for 5 Days	3/13/2015
Special Agent #2	Inattention to Duty	Letter of Reprimand	3/13/2015
Special Agent #3	Inattention to Duty	Letter of Reprimand	3/13/2015
Special Agent #4	Inattention to Duty	Letter of Reprimand	3/13/2015
Special Agent #5	Inattention to Duty	Letter of Reprimand	3/13/2015