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COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

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July 23, 2015

The Honorable Loretta Lynch
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

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


Dear Attorney General Lynch and Inspector General Horowitz:

On July 21, 2015, the Inspector General for the Justice Department released a troubling report on the Confidential Source Program of the Drug Enforcement Administration (DEA). The Inspector General found that the DEA lacks sufficient oversight of higher-risk and long-term sources and fails to properly monitor their authorized illegal activity. The report also questions the validity of and transparency surrounding certain disability payments to sources, which could present *Brady* implications. The audit also revealed that the DEA's policies do not meet and at times conflict with the Attorney General's Guidelines Regarding the Use of Confidential Informants, despite the Justice Department approving the DEA's policies in 2004.

We appreciate that confidential sources can play a vital role in complex investigations, providing a window into criminal enterprises that may not otherwise exist. Yet poorly selected or mismanaged sources present significant risks to investigations, law enforcement agencies, and even public safety. This is why rigorous, ongoing internal oversight of such sources is essential, and the Inspector General's audit calls into question the effectiveness of the DEA's policies and procedures in this regard. The Inspector General's finding that the DEA has at times delayed and not cooperated with this audit also raises serious concerns.

We would like to have a broader understanding of how and why the DEA's Confidential Source Program does not follow the Department-wide guidelines, and the steps the DEA is taking to reconcile these policies. Accordingly, please arrange for knowledgeable Department officials to provide a briefing for Judiciary Committee staff on these issues. Should you have any questions, please contact David Pendle at (202) 224-7703 or Jay Lim at (202) 224-5225. Thank you.

Sincerely,


Patrick Leahy
Ranking Member


Charles E. Grassley
Chairman