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United States Senate

COMMITTEE ON THE JUDICIARY

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November 14, 2016

VIA ELECTRONIC TRANSMISSION

Chuck Rosenberg
Acting Administrator
U.S. Drug Enforcement Administration
Lincoln Place-West
700 Army Navy Drive
Room 12060
Arlington, VA 22202

Dear Acting Administrator Rosenberg:

I write regarding reports of misconduct within the Drug Enforcement Administration's (DEA) Confidential Source Program.¹ Allegedly, a supervisor in the DEA's Atlanta office engaged in a sexual relationship with two confidential sources and made unjustified payments to one of the sources.² I previously wrote to you on October 17, 2016, about a report issued by the Department of Justice Office of Inspector General (OIG) finding that the DEA lacks sufficient oversight of its Confidential Source Program.³ Without improved oversight and accountability, I have serious concerns about the DEA's ability to maintain the effectiveness and integrity of its Confidential Source Program.

According to news reports, a DEA Atlanta-based supervisor engaged in a sexual relationship with two confidential sources, and paid one of the sources a total of \$212,000, despite never entering a written agreement with the source.⁴ That source started receiving

¹ Robert Patrick, *Evidence in St. Louis Drug Ring Case Should Be Tossed After Alleged DEA Misconduct*, *Lawyers Say*, St. Louis Post-Dispatch (Oct. 18, 2016), http://www.stltoday.com/news/local/crime-and-courts/lawyers-say-dea-misconduct-in-atlanta-should-void-drug-ring/article_afb1bc5d-724a-5e30-b29f-5f519300f8d6.html.

² *Id.*

³ Letter from Charles E. Grassley, Chairman, Senate Committee on the Judiciary, to Chuck Rosenberg, Acting Administrator, Drug Enforcement Administration (Oct. 17, 2016); *see also* Letter from Charles E. Grassley, Chairman, Senate Committee on the Judiciary, to Chuck Rosenberg, Acting Administrator, Drug Enforcement Administration (March 14, 2016); Letter from Charles E. Grassley, Chairman, and Patrick Leahy, Ranking Member, Senate Committee on the Judiciary, to Loretta Lynch, Attorney General, and Michael Horowitz, Inspector General, U.S. Department of Justice (July 23, 2015); Letter from Charles E. Grassley, Ranking Member, Senate Committee on the Judiciary, to Michele Leonhart, Administrator, Drug Enforcement Administration (Aug. 7, 2014).

⁴ Patrick, *Evidence in St. Louis Drug Ring Case Should Be Tossed After Alleged DEA Misconduct*, *Lawyers Say*.

payments in 2011, including bonuses of \$55,000 and \$80,750, and monthly payments of \$2,500,⁵ but claims that she does not know why she received the bonus payments. The monthly payments covered the source's approximate rent costs for her new apartment located closer to the DEA supervisor's home.⁶ Reportedly, the supervisor forced his subordinates to falsify DEA reports to validate the payments, even when the source did not provide new information.⁷

News sources reported that the DEA is conducting an internal investigation, but no criminal charges have yet been filed. It is my understanding that both the DEA and OIG have previously investigated this supervisor and two other agents in the Atlanta field office. Therefore, it is vital that the agency takes the appropriate steps to address these questionable payments made through confidential informants to protect taxpayer dollars and the integrity of the Confidential Source Program.

This Committee seeks a full understanding of the DEA's response to this reported misconduct, and the DEA's efforts to improve oversight and accountability within the Confidential Source Program. Accordingly, please respond to the following questions by no later than November 28, 2016:

1. When did the DEA first learn of the DEA supervisor's misconduct, and what action was taken to address the problem?
2. Is the DEA conducting an internal investigation related to the DEA supervisor's and agents' misconduct in the Atlanta office? If so, once completed, please provide a copy of the report, including the findings and disciplinary actions.
3. Has the DEA previously conducted any internal investigations related to this misconduct? If so, please provide copies of all reports, including findings and disciplinary actions.
4. What steps, if any, has the DEA taken to discipline the DEA supervisor in question?
5. Has the DEA notified the OIG about these additional problems in the Atlanta field office? If so, when?
6. Do the supervisor and agents in question still maintain their security clearances?
7. When were the confidential sources referenced in this letter initially activated? Have these sources ever been deactivated? If so, please provide the dates and specific reasons for deactivation.
8. Please provide all existing documentation establishing a relationship with the two referenced confidential sources. Please provide all documentation of the work the

⁵ Robert Patrick, *DEA Supervisor Denies Claim That Sexual Relationship Imperiled St. Louis Drug Case*, St. Louis Post-Dispatch (Oct. 23, 2016), http://www.stltoday.com/news/local/crime-and-courts/dea-supervisor-denies-claim-that-sexual-relationship-imperiled-st-louis/article_cb5ddd71-e65f-5592-89ad-f2776080c29a.html.

⁶ Patrick, *Evidence in St. Louis Drug Ring Case Should Be Tossed After Alleged DEA Misconduct, Lawyers Say*.

⁷ *Id.*; Patrick, *DEA Supervisor Denies Claim That Sexual Relationship Imperiled St. Louis Drug Case*.

sources provided to justify their payments, and documentation of all payments made to the sources.

9. With how many sources does the DEA establish relationships without written agreements?

I anticipate that your written reply and any responsive documents will be unclassified. Please send all unclassified material directly to the Committee. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the Committee, and provide a classified addendum to the Office of Senate Security. Although the Committee complies with all laws and regulations governing the handling of classified information, it is not bound, absent its prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

Thank you in advance for your cooperation with this request. Please number your responses according to their corresponding questions. If you have questions, please contact Samantha Brennan of my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Senate Judiciary Committee

cc: The Honorable Patrick Leahy
Ranking Member
Senate Judiciary Committee

The Honorable Michael E. Horowitz
Inspector General
United States Department of Justice