



U.S. Department of Justice

Office of the Inspector General

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September 13, 2017

Lee Ferran  
[leehferran@gmail.com](mailto:leehferran@gmail.com)

Subject: Freedom of Information/Privacy Act Request [17-OIG-301]

Dear Mr. Ferran:

This responds to your Freedom of Information Act request to the Office of the Inspector General (OIG). Specifically, your request seeks the OIG report entitled "Investigative Summary: Findings of Misconduct by a Chief Deputy U.S. Marshal for Having an Inappropriate Relationship With a Subordinate, Making False Statements to a Supervisor, and Submitting Misleading Statistics."

The report responsive to your request has been reviewed. It has been determined that certain portions of such report be excised pursuant to the Freedom of Information Act, 5 U.S.C. §552(b)(6) and (7)(C). Consequently, please find enclosed that information which can be released pursuant to your request.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may contact our FOIA Public Liaison, Deborah Waller at (202) 616-0646 for any further assistance of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at (202) 741-5770; toll free at 1-877-684-6448.

Sincerely,



Jeanetta M. Howard  
Government Information Specialist  
Office of the General Counsel

Enclosure

## REPORT OF INVESTIGATION

<b>SUBJECT</b>			<b>CASE NUMBER</b>					
[REDACTED] Chief Deputy United States Marshal [REDACTED]			[REDACTED]					
<b>OFFICE CONDUCTING INVESTIGATION</b>			<b>DOJ COMPONENT</b>					
Miami Field Office			United States Marshals Service					
<b>DISTRIBUTION</b>			<b>STATUS</b>					
<input checked="" type="checkbox"/>	Field Office	MFO	<input type="checkbox"/>	OPEN	<input type="checkbox"/>	OPEN PENDING PROSECUTION	<input checked="" type="checkbox"/>	CLOSED
<input checked="" type="checkbox"/>	AIGINV		<b>PREVIOUS REPORT SUBMITTED:</b>		<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
<input checked="" type="checkbox"/>	Component	USMS	Date of Previous Report:					
<input type="checkbox"/>	USA							
<input type="checkbox"/>	Other							

### SYNOPSIS

The Office of the Inspector General (OIG) initiated this investigation upon the receipt of a letter from complainants containing multiple allegations against [REDACTED] U.S. Marshals Service (USMS) Chief Deputy U.S. Marshal (CDUSM) [REDACTED]

The letter alleged that [REDACTED]

- had an intimate relationship with [REDACTED];
- [REDACTED]
- directed personnel to submit false statistics to the High Intensity Drug Trafficking Area (HIDTA) program;
- [REDACTED]
- [REDACTED]

<b>DATE</b>	July 25, 2017	<b>SIGNATUR</b>	[REDACTED]
<b>PREPARED BY SPECIAL AGENT</b>		[REDACTED]	
<b>DATE</b>	July 25, 2017	<b>SIGNATURE</b>	<i>Robert A. Bourbon</i>
<b>APPROVED BY SPECIAL AGENT IN CHARGE</b>		Robert A. Bourbon	

ou=Dept of Justice, ou=OIG, cn=ROBERT BOURBON, 0.9.2342.19200300.100.1.1=150010  
00325243  
Date: 2017.07.25 17:14:13 -0400

[REDACTED]

[REDACTED]

During this investigation, the OIG received evidence that [REDACTED] provided false statements to his supervisor when he denied that he was involved in an intimate relationship with a [REDACTED]

[REDACTED]

The OIG investigation substantiated the allegations that [REDACTED] 1) had an intimate relationship with a subordinate [REDACTED]; 2) provided a false statement to [REDACTED] when he denied the intimate relationship with the [REDACTED] and 3) directed personnel to submit false or misleading arrest statistics to HIDTA in order to secure increased funding for the [REDACTED], all in violation of USMS Policy Directive 1.2, Code of Professional Responsibility, Personal Relationships with Subordinates and Statements of Facts. The OIG also concluded that [REDACTED] displayed a lack of candor when questioned by [REDACTED] regarding his relationship with a subordinate.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

## DETAILS OF INVESTIGATION

### Predication

The Office of the Inspector General (OIG) initiated this investigation upon the receipt of a letter from complainants containing multiple allegations against [REDACTED] U.S. Marshals Service (USMS) Chief Deputy U.S. Marshal (CDUSM) [REDACTED]  
[REDACTED]

The letter alleged that [REDACTED]

- had an intimate relationship with [REDACTED]
- [REDACTED];
- directed personnel to submit false statistics to the High Intensity Drug Trafficking Area (HIDTA) program;

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

During this investigation, the OIG received evidence that [REDACTED] provided false statements to his supervisor when he denied that he was involved in an intimate relationship with a [REDACTED]  
[REDACTED]  
[REDACTED]

## Investigative Process

The OIG's investigative efforts consisted of the following:

Interviews of the following USMS personnel:

Chief Deputy U.S. Marshal; and



Review of the following:

- [REDACTED] e-mail;
- HIDTA records;
- [REDACTED] cleared warrants statistics;
- Code of Federal Regulations; and
- USMS policy directives.

## Allegations Against [REDACTED]

### *Intimate Relationship with a Subordinate*

Information provided to the OIG alleged that [REDACTED] engaged in an inappropriate relationship with [REDACTED].

USMS Policy Directive 1.2, Code of Professional Responsibility, Personal Relationships with Subordinates, states in part that “*You may not, through the official chain of command or by actual practice, supervise a person with whom you are having an intimate personal relationship...*”

[REDACTED] told the OIG that starting in 2010/2011 until the beginning of 2013, she and [REDACTED] engaged in an intimate personal relationship. She stated the relationship continued after [REDACTED] was promoted to the supervisory position [REDACTED].

[REDACTED] told the OIG that he and [REDACTED] started an intimate personal relationship when he was the acting supervisor of the task force and he estimated that the relationship continued from 2010 to 2013. [REDACTED] believed the relationship occurred during the time he was the [REDACTED] where [REDACTED] worked. [REDACTED] told the OIG that the relationship could have started when he was the [REDACTED] but that he could not recall because he was promoted very quickly.

[REDACTED]

The OIG concluded that [REDACTED] intimate relationship with [REDACTED] violated USMS Policy Directive 1.2, Code of Professional Responsibility. [REDACTED]

#### ***False Statement to a Supervisor and Lack of Candor***

Information provided to the OIG alleged that [REDACTED] provided a false statement to his supervisor regarding an intimate relationship with a subordinate.

USMS Policy Directive 1.2, Code of Professional Responsibility, Statements of Facts, states in part that “*Do not knowingly give false or misleading statements or conceal material facts in connection with employment, promotion, travel voucher, any record, investigation or other proper proceeding.*”

[REDACTED] told the OIG that in late 2012 he heard rumors in the office that [REDACTED] was engaged in a relationship with a female [REDACTED] told the OIG that he questioned [REDACTED] and told him that a relationship with a subordinate was a violation of USMS policy. [REDACTED] stated that [REDACTED] denied any such relationship. In late 2012 and continuing into 2013, [REDACTED] continued to hear rumors in the office regarding [REDACTED] alleged relationship with the [REDACTED] so he again asked [REDACTED] and [REDACTED] once again denied the relationship.

[REDACTED] told the OIG that [REDACTED] asked him about his relationship with the [REDACTED] and he denied the relationship. [REDACTED] stated that he answered [REDACTED] question with a denial because [REDACTED] asked him the question a month or two after the relationship ended. [REDACTED] stated that he only recalled that [REDACTED] asked him the question on one occasion.

The OIG determined that [REDACTED] displayed a lack of candor in violation of USMS Policy Directive 1.2, Code of Professional Responsibility, Statements of Facts, when he intentionally withheld information from his supervisor and failed to disclose that he had maintained an intimate relationship with a [REDACTED] that he supervised.

#### ***Directed Personnel to Submit False Statistics to the HIDTA Program***

Information provided to the OIG alleged that [REDACTED] directed personnel to submit false arrest statistics to HIDTA in order to secure additional funding for the [REDACTED]

USMS Policy Directive 1.2, Code of Professional Responsibility, Statements of Facts, states in part that “*Do not knowingly give false or misleading statements or conceal material facts in connection with employment,*

*promotion, travel voucher, any record, investigation or other proper proceeding.”*

██████████ told the OIG that he had either one or two discussions with ██████████ about the type of USMS arrest statistics that should be reported to HIDTA and that ██████████ told him that “all” arrests were HIDTA related cases. ██████████ told ██████████ that all cases were not HIDTA related and ██████████ recalled that he almost received a written reprimand from ██████████ after that discussion. ██████████ told the OIG that the ██████████ was in the practice of claiming HIDTA credit for arrests conducted by other agencies like the Federal Bureau of Investigation. According to ██████████ arrests conducted by other agencies were designated as “Category E” arrests in the USMS database and were included at ██████████ instruction in the HIDTA statistics.

██████████. During this investigation, the OIG found that in ██████████ there were often several arrest warrants issued for the same person for the same violation. ██████████ told the OIG that if one fugitive was arrested, but the fugitive had six warrants, ██████████ instructed her to input six arrest credits. ██████████ stated that she believed the information was duplicative and that she discussed her opinion with ██████████. ██████████ said that ██████████ told her that he knew what HIDTA wanted. ██████████ told the OIG that she frequently heard ██████████ say “we need the numbers,” but ██████████ believed the numbers needed to be based on factual statistics. ██████████ told the OIG that she discussed her concerns with ██████████ and ██████████. ██████████ stated that arrests conducted by other agencies which were “category E” arrests were also reported in HIDTA as a ██████████ arrest. ██████████ stated that ██████████ told her that “all” activity conducted by the ██████████ was HIDTA related.

██████████ told the OIG that when he was the supervisor over the ██████████, he approached ██████████ and ██████████ and discussed the fact that the data in PMP did not match the data ██████████ received from USMS Headquarters related to the ██████████ arrest statistics. ██████████ told ██████████ that he had previously discussed the matter with ██████████. ██████████ stated he went to ██████████ and discussed his concern and ██████████ stated it was proper to continue reporting in the same manner because the USMS was the custodian of all federal warrants.

The OIG analyzed the ██████████ task force statistics that were reported to HIDTA from 2009 to 2016. Those reported statics included category E, which were arrests conducted by other agencies. The OIG compared those figures with the ██████████ claimed arrests excluding category E but included multiple arrest credits for a single fugitive with multiple state warrants. The OIG further calculated the number of arrests of actual fugitives that excluded the multiple arrest credits for a single fugitive with multiple state warrants. The OIG found that in ██████████ one fugitive arrest often closed out multiple cases because of multiple state warrants.

[REDACTED]

[REDACTED] told the OIG that the purpose of the information documented in the PMP database was to track the performance of each initiative so HIDTA's executive board could decide which initiatives would be eliminated, receive less funding, or receive an increase in funding. The average of 3-years statistics was typically used to analyze the proficiency and funding of the HIDTA initiatives. [REDACTED] stated that the USMS data documented in the PMP database should have included arrests (federal and state) that were conducted by the [REDACTED]. [REDACTED] said that the USMS was expected to report arrests that were actually conducted by the [REDACTED]. [REDACTED] stated that the USMS should not have claimed arrests conducted by other agencies, including arrests conducted by the [REDACTED] where the [REDACTED] had no involvement in the actual arrest. In November 2009, [REDACTED] attended the PMP database training that provided instruction on how data was to be entered into PMP. [REDACTED] said that the training provided instruction that only arrests conducted by the participating agency should have been claimed.

The OIG found that during the time period that inflated task force arrest statistics were reported to HIDTA, the funding for the task force increased from approximately \$370,000 to over \$480,000. Several USMS employees and a task force officer told the OIG that they recalled that [REDACTED] made comments about the need for increased arrest statistics and that the statistics were related to funding.

[REDACTED] told the OIG that the [REDACTED] reported every case closed as fugitive apprehensions even though a single fugitive could have multiple case numbers generated due to multiple [REDACTED] warrants for the same violation. [REDACTED] also admitted that the USMS reported "Category E" statistics to HIDTA. [REDACTED] denied that [REDACTED] and [REDACTED] confronted him and told him that his understanding that all arrests were to be reported as HIDTA related arrests was incorrect. [REDACTED] said that there were concerns about the numbers, but that [REDACTED] and [REDACTED] did not inform him the reported numbers were incorrect. [REDACTED] claimed that someone from ONDCP several years ago told him that the USMS should claim all arrests as HIDTA related. When the OIG further confronted [REDACTED] on the fact that the [REDACTED] claimed arrest credits for arrests conducted by other agencies, he agreed that the [REDACTED] should not have received credit for those arrests. [REDACTED] stated that after [REDACTED] and [REDACTED] raised their concerns, he did not contact anyone from HIDTA for guidance. [REDACTED] denied that he instructed task force officers to open and close cases that did not actually involve task force cooperation with the [REDACTED]

The OIG determined that it is far more likely than not that [REDACTED] instructed [REDACTED] and [REDACTED] to submit arrest statistics to HIDTA that he knew were incorrect or very questionable. The ONDCP requested that the USMS report to the PMP database the number of fugitive apprehensions conducted during a specific year. The OIG did not find any evidence to suggest that HIDTA wanted to provide funding to the USMS for the actual number of cases closed or for the claimed task force arrests that were actually made by other federal agencies. After two employees and a HIDTA detailee to the USMS expressed their concern regarding the PMP statistics, [REDACTED] should have contacted HIDTA and requested clarification.

The OIG concluded that [REDACTED] instruction to employees to submit inflated arrest statistics to HIDTA violated USMS Policy Directive 1.2, Code of Professional Responsibility, Statements of Facts.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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July 25, 2017



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