



OFFICE OF THE INSPECTOR GENERAL

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DOJ OIG Releases Report on the Actions of Former DEA Leadership in Connection with the Reinstatement of a Security Clearance

Department of Justice (DOJ) Inspector General Michael E. Horowitz announced today the release of a report about the actions of former DEA Administrator Michele M. Leonhart and former DEA Acting Chief Inspector Herman E. “Chuck” Whaley in connection with reinstating the security clearance of a Special Agent who had committed serious misconduct. The DOJ Office of the Inspector General’s (OIG) investigation found that while Leonhart did not directly intervene to reinstate the security clearance, neither did she object when Whaley told her that he opposed the suspension of the Special Agent’s security clearance and intended to intervene to resolve the matter in a different manner. We concluded that because Leonhart acquiesced in Whaley’s flawed decision to intervene in the security clearance process, she shared responsibility for it.

This matter arose as a result of a prior misconduct investigation of a DEA Special Agent conducted by the DEA Office of Professional Responsibility (OPR) in 2013. During the 2013 investigation, the Special Agent admitted that he had, among other things: carried on an extramarital affair with a woman who was a convicted criminal; allowed her after-hours access to a DEA office, including a drug evidence room; allowed her to listen to recorded telephone calls of subjects of DEA investigations; and had sex with her on numerous occasions in the DEA office and his DEA vehicle. DEA OPR, however, failed to advise DEA’s Office of Security Programs, which is responsible for adjudicating security clearances of DEA employees, about the Special Agent’s misconduct.

The Office of Security Programs learned of the misconduct in 2014, as a result of a routine periodic re-investigation of the Special Agent’s eligibility to maintain a security clearance. After assessing the Special Agent’s conduct in accordance with the applicable security adjudication guidelines, on March 24, 2015, the DEA Security Programs Manager (SPM) suspended the Special Agent’s clearance, rendering him ineligible for access to classified and other sensitive information.

Three days later, Whaley instructed the SPM to reinstate the Special Agent’s clearance. Whaley told the OIG that he did not believe that the Special Agent’s misconduct raised national security issues because it did not involve a lack of candor, foreign nationals, or a foreign country. However, Whaley had never received training on the application of the security

clearance guidelines, he did not determine the full basis of the SPM's suspension decision before overruling it, and he did not have the authority to adjudicate a security clearance or to overrule a security clearance adjudication.

Notably, Whaley gave the instruction to reinstate the Special Agent's security clearance just one day after the public release of the OIG's March 26, 2015 report entitled [*The Handling of Sexual Harassment and Misconduct Allegations by the Department's Law Enforcement Components*](#). Among other things, the OIG's report contained a finding that DEA OPR had failed to refer allegations involving sexual misconduct that raised security concerns to Security Programs for adjudication, potentially exposing DEA employees to coercion, extortion, and blackmail, all of which create security risks. Both Leonhart and Whaley had been engaged in discussions with respect to the OIG's findings and recommendations in the months before the OIG released the March 26 report.

The OIG's investigation also assessed Leonhart's April 14, 2015 testimony before the House Oversight and Government Reform Committee regarding which DEA employees are authorized to suspend or revoke a security clearance. While we concluded that Leonhart's testimony was not untruthful, we also determined that there is a lack of clarity within DEA and DOJ policies regarding the delegations of authority with respect to security clearance adjudications. Today's report therefore makes several recommendations to clarify DEA and DOJ policies, including by specifying that the Office of Security Programs will have the final say within the DEA about whether employee misconduct merits a review and adjudication of the employee's security clearance, and that the DOJ specify that for the purpose of security adjudications, SPMs report solely to the Department Security Officer, and not to other senior officials, who may have appropriate input in but not overrule the component SPM.

Additionally, we believe that this matter and the findings of our March 2015 report illustrate the need for Justice Department leadership to ensure that all DOJ security offices obtain and assess all relevant information related to an employee's misconduct investigations, if any, when conducting that employee's security clearance adjudication. We have therefore transmitted to the Deputy Attorney General, and released publicly on our website, a separate memorandum containing two recommendations related to this issue.

The OIG will continue to monitor the progress of the DOJ and its law enforcement components to address the deficiencies we have identified, and their efforts to implement our recommendations.

Report and Memorandum: Today's report and memorandum are both available on the OIG's website under "Recent Reports," and at the following links:

- Report: <https://oig.justice.gov/reports/2017/o1704.pdf>
- Memorandum: <https://oig.justice.gov/reports/2017/o1704-memo.pdf>