

I, [REDACTED], who am referred to as “the complainant” am issuing this response in reference to a Department of Justice (DOJ), Office of Professional Responsibility (OPR) report titled, “Report of Investigation of the Department’s Fentanyl Guidance by the U.S. Attorney’s Office, District of New Mexico, and the Drug Enforcement Administration, New Mexico District Office dated September 3, 2024.” This DOJ OPR report was filed under the Office of Special Counsel (OSC) File No. DI-24-000207.

I dedicate my response to all of the mothers, fathers, brothers, sisters, grandparents and to the other family members and friends of those who have lost a loved one to a drug addiction or to an accidental fentanyl poisoning. My response is also for all the residents of [REDACTED], New Mexico (NM), to include first responders, those in the medical field and to everyone else who is sick and tired of our community dying of drug overdoses and the never-ending crime that is plaguing our city.

[REDACTED]
[REDACTED] I have been employed by the Drug Enforcement Administration (DEA) as a Special Agent for [REDACTED]. Prior to joining the DEA, I served almost [REDACTED], I conducted [REDACTED]. Afterwards, I transferred to the [REDACTED].

As a DEA agent, I have experience with conducting long-term drug conspiracy investigations. I am well-versed in investigations that deal with heroin, cocaine, methamphetamine and fentanyl. In fact, in 2021, a U.S. District Judge qualified me as an “expert witness.” From my experience, I have developed skills in conducting both electronic and physical surveillance. I also have experience working [REDACTED], I have [REDACTED] written and worked on numerous [REDACTED]. Additionally, I have experience working overdose death investigations which can include on-scene responses.

In November 2023, I submitted a whistleblower complaint to OSC. In December 2023, OSC forwarded my complaint to the Attorney General’s Office who subsequently forwarded my complaint to DOJ OPR, for them to investigate. My complaint is specific to how the U.S. Attorney’s Office (USAO) and the DEA in [REDACTED] NM, handle [REDACTED]. My belief remains, that the USAO and the DEA in [REDACTED], NM, use too much discretion in allowing dangerous amounts of fentanyl to be distributed. I believe these decisions endanger American lives.

Prior to responding to OPR’s report, I will provide some background information to explain how this complaint came to be. At the DEA office where I work in [REDACTED], I attended a meeting which I believe took place in either late 2022 or in early 2023. During this meeting, attorneys from the Office of Enforcement Operations (OEO) introduced myself and numerous other DEA agents to a [REDACTED] policy which is referred to as the “fentanyl [REDACTED].”¹ These OEO attorneys

¹ The actual title of the “fentanyl [REDACTED] is, “[REDACTED]” This [REDACTED] was

discussed this “fentanyl [REDACTED]” with myself and numerous other DEA agents. We were taught that this [REDACTED] applied to DEA agents during their [REDACTED]. I specifically remember during this meeting listening to questions and answers and hearing frustration from some agents due to the realization that agents had to make efforts in order to attempt to stop fentanyl from reaching the streets. The main concern from these agents was that such attempts could jeopardize their investigations.

It is also important to note, that prior to any AUSA and DEA agent commencing a [REDACTED] [REDACTED] This information is reiterated by AUSAs to DEA agents prior to commencing [REDACTED] through a meeting called a “[REDACTED].”²

During the summer of 2023, I observed instances where I believed the “fentanyl [REDACTED]” was not being followed. I then made efforts to communicate with my DEA management and with the USAO regarding my concerns. After I realized that no changes were being made I filed three allegations with OSC. These allegations were investigated by OPR. The first allegation was that certain AUSAs [REDACTED] at the USAO in [REDACTED] NM, abused their authority. I made this allegation because certain AUSAs tried to stop me from conducting enforcement actions on subjects that I believed were selling fentanyl. In addition, certain AUSAs made inappropriate statements to me, and one [REDACTED] belittled and threatened me. The second allegation was that certain AUSAs [REDACTED] at the USAO and certain DEA agents and DEA supervisors in [REDACTED], NM, violated a rule or procedure. The rule or procedure that I alleged was violated was the “fentanyl [REDACTED]” and also a sub-section of the DEA Agent’s Manual. My third and most important allegation was that certain AUSAs [REDACTED] [REDACTED] at the USAO and some DEA agents and supervisors in [REDACTED], NM, endangered the public. This last allegation was made because I had evidence that certain AUSAs and certain DEA agents made no effort to stop large shipments of fentanyl which were eventually allowed to be delivered to residences within [REDACTED] NM.

OPR subsequently contacted and interviewed me. During this interview, I discussed my allegations with OPR. I also provided OPR with DEA reports, [REDACTED] and other documents [REDACTED]. After receiving my complaint, OPR investigated my allegations over a nine-month time period.

With the evidence I provided, OPR investigators had the opportunity to determine that my allegations showed that certain AUSAs and certain DEA agents willfully allowed, by making no effort to stop, well over 300,000 fentanyl pills to be delivered to residences within [REDACTED] NM. Having this information, OPR still came to the ultimate conclusion that these actions did not result in a “specific danger to public health and safety.” As I will quote from OPR’s report on

taught to certain AUSAs and to certain DEA agents as procedures we needed to follow when conducting [REDACTED] [REDACTED]

² A [REDACTED] is a meeting where AUSAs instruct DEA agents and sometimes civilian contractors how to handle DEA [REDACTED].

page 1, paragraph 2, under EXECUTIVE SUMMARY, “However, OPR also finds that in the cases it reviewed, such decisions were made with adequate oversight of USAO-NM personnel and appeared reasonable under the circumstances, and therefore, the conduct alleged by the complainant did not violate the fentanyl guidance or a law, rule, or regulation nor did it constitute an abuse of authority or a substantial and specific danger to public health and safety.”

The very fact that OPR ends up concluding that the USAO and the DEA in [REDACTED] NM, can use their discretion and thus make intentional decisions not to stop shipments of fentanyl in quantities which exceed a hundred thousand, should be of grave concern. Imagine providing one fentanyl pill to each person at a football stadium (with some to spare).

After reading OPR’s report, I found it very interesting that OPR made no mention in their report to the amounts of fentanyl which I alleged were allowed to be transported and distributed into [REDACTED], NM. I provided proof to OPR that certain AUSAs at the USAO and certain DEA agents in [REDACTED], NM, allowed hundreds of thousands of fentanyl pills to be distributed into [REDACTED], NM, [REDACTED] investigations. During all of these instances, the USAO and DEA had the ability to stop these shipments of fentanyl. However, no stops or seizures of fentanyl were made (not even an attempt at a stop was made).

I believe that OPR’s report lacks credibility for multiple reasons. First, in their report, OPR changed the word [REDACTED]” to “guidance.” The word “guidance” cannot be found in the “fentanyl [REDACTED].” However, the word [REDACTED]” is found multiple times in the document. Second, in their report, OPR provides absolutely no evidence as to how the public health and safety of the general public was not endangered. OPR simply makes the assertion that there was not a “substantial and specific danger to public health and safety.” How can it be said that these hundreds of thousands of fentanyl pills which were delivered to and within [REDACTED], NM, did not result in one specific danger to public health and safety? Third, there are several inaccuracies, missing information and misleading statements in OPR’s report which I will detail in my response.

If there is a Member of Congress that is interested in seeing this evidence, I would be happy to testify and explain my complaint in person. The American public may want to hear this story – and like me, they likely would come to the same common-sense conclusion, that American lives were put in danger.

As I previously stated, OPR’s report specifically avoids the language [REDACTED]”³ and instead, they use a more forgiving tone and refer to the “[REDACTED]” as “fentanyl guidance.” At no time during our meeting did the attorneys who explained this “fentanyl [REDACTED]” refer to this document as a simple guidance. [REDACTED]
[REDACTED]. OPR subsequently based their findings from this [REDACTED].” I need to reiterate, this [REDACTED]” [REDACTED]. For this

³ A “[REDACTED]” to be followed in formal situations.

reason, I believe OPR's report is biased because they formed their conclusions on a policy [REDACTED]. The language used in OPR's report is specifically [REDACTED] not in the [REDACTED] version that was issued to me. [REDACTED]

[REDACTED] However, OPR fails to mention the most important part which includes language that informs all AUSAs and all agents that [REDACTED]

What is missing from OPR's report are details regarding how the USAO or the DEA in [REDACTED], NM, protected public health and safety. Instead, OPR in their report, only asserts that the USAO and the DEA can use their own discretion and in so doing avoid stopping large shipments of fentanyl. Once fentanyl becomes available to the public, crime is fueled and overdoses and death become possible. It is my opinion that the discretion provided is being severely misused.

When reading this response, please consider the fact that the "fentanyl [REDACTED]" only provided discretion to AUSAs and agents in determining what methods they were going to use to prevent a potential illegal use or distribution of fentanyl from occurring. There is absolutely no wording which should lead any AUSA or agent to believe they have the discretion to allow tens of thousands or a hundred thousand fentanyl pills to be delivered to our streets, and yet on multiple occasions they did just that. The instruction for AUSAs and agents to [REDACTED] was written in both the [REDACTED]. In fact, prior to being granted permission to conduct [REDACTED], AUSAs and agents must [REDACTED] this "fentanyl [REDACTED]". The "fentanyl [REDACTED]" instructs AUSAs and agents to adhere to these [REDACTED]. There is no [REDACTED]. [REDACTED] [REDACTED] instructs Agents and AUSAs to consider [REDACTED]. The irony from what you will read is that during my investigations, I took [REDACTED] and was essentially punished, while other AUSAs and agents took no action (and they received awards).

DEA agents also have an Agent's Manual. This Agent's Manual contains rules and regulations for DEA agents to follow. Nowhere in our DEA Agent's Manual will anyone find language that permits DEA agents to allow fentanyl to be distributed. However, there is language that instructs DEA agents to make reasonable efforts to mitigate risk, when they have the knowledge and power to do so.

I will now begin to respond to OPR's report.⁴

Please reference in OPR's report on page 4, paragraph 1, under The Criminal Division's Interpretation of the Fentanyl Guidance OPR quotes an [REDACTED]

⁴ When reading my response, it may be best to have both my response and OPR's report open so that you can reference their report as you read my response.

██████████ who stated the guidance was intended to make them “aware of their obligations to take reasonable efforts to prevent the distribution” of fentanyl. This ██████████ concedes in his⁵ statement that AUSAs and agents have “obligations...to prevent the distribution” of fentanyl. Based upon this ██████████’s statements, OPR should have concluded in their report that certain AUSAs and certain agents violated this policy because on several occasions, certain AUSAs and certain agents made no effort to prevent large distributions of fentanyl.

Please reference in OPR’s report on page 4, paragraph 2, under The Criminal Division’s Interpretation of the Fentanyl Guidance OPR quotes this same ██████████ who stated, “...but there is discretion for them to decide what are reasonable efforts.” Notice this ██████████ does not say that AUSAs and agents can use their discretion to make no effort. Instead, he says there is discretion regarding what is a “reasonable effort.” In my response below, under Investigation B and Investigation C I will describe numerous times where AUSAs and DEA agents make no effort to stop large shipments of fentanyl from being delivered.

Please reference in OPR’s report on page 4, paragraph 3, under The Criminal Division’s Interpretation of the Fentanyl Guidance OPR quotes this ██████████ who stated, “So there is a discretion element that is given to the investigation as a whole to deploy whatever techniques they want to prevent the distribution of fentanyl...” In OPR’s report, specifically within Investigation B and Investigation C, OPR makes no mention of any technique used by certain AUSAs and certain DEA agents to prevent the distribution of large shipments of fentanyl from being delivered. The reason there is no mention of any techniques used is because there were no techniques used, instead agents on surveillance escorted these deliveries of drugs to certain residences.

Please reference in OPR’s report on page 4, paragraph 5, under The Criminal Division’s Interpretation of the Fentanyl Guidance OPR quotes this ██████████ who stated, “basically just looking to make sure that everyone understands [fentanyl] is dangerous and we need to make sure we’re doing the best we can to take it off the streets.” In this one sentence, this ██████████ validates all of my allegations. This ██████████ stated that AUSAs and agents should be doing their “best” to take these “dangerous” drugs “off the streets.” This is exactly what certain AUSAs and DEA agents are not doing. In OPR’s report, specifically within Investigation B and Investigation C (which I describe below), OPR makes no mention of any efforts to take these dangerous drugs off the streets. In the two aforementioned allegations, I specifically refer to certain AUSAs and certain DEA agents allowing over 300,000 fentanyl pills to be delivered to and within ██████████, NM.

Please reference in OPR’s report on page 5, paragraph 3, under The Criminal Division’s Interpretation of the Fentanyl Guidance OPR quotes a former Deputy Assistant Attorney General (DAAG) who stated, “...I’m working my way through an operation that has a ‘big impact’ on the community, and I’m going to blow it because I’m going to arrest these two folks in a car...” What I would like to point out after reviewing the former DAAG’s statements was the fact that

⁵ The pronouns “he,” “his” or “him” is used in my response regardless of the actual gender of the individual referenced.

this former DAAG does not discuss the other side of this argument. If you do not stop the car, and the car contains 40,000 fentanyl pills, what are the consequences from allowing this fentanyl to reach the streets? That is, after all, what we are discussing (not small amounts of fentanyl). If you read this former DAAG's response it appears his concerns seem directed more towards the investigation than towards the community. It is also a fallacy to say that law enforcement has to arrest the "two folks." Law enforcement can release targets of investigations with the intent of arresting them later on. I will demonstrate later in my response that traffic stops can be accomplished and seizures of fentanyl can be made without ruining investigations.

Please reference in OPR's report on page 6, paragraph 6, under Application of the Fentanyl Guidance by DEA-NM Personnel OPR quotes the [REDACTED], NM, Assistant Special Agent in Charge (ASAC) who stated, "If we...have probable cause to believe...that there's fentanyl, we consult with our AUSAs; obviously, we consult with our management. We consult with our co-case agent. But...once we've done those things, we make reasonable efforts to prevent distribution..." This statement supports my allegations. The DEA ASAC in [REDACTED], NM, openly admits that agents should "make reasonable efforts to prevent distribution."

The DEA reports I provided to OPR clearly show that no efforts were made to stop the distribution of fentanyl. Hence, OPR should have instead concluded that certain AUSAs and certain DEA agents actually did violate a policy and these policy violations most certainly contributed to a specific danger to public health and safety.

Please continue to reference in OPR's report on page 6, paragraph 7, under Application of the Fentanyl Guidance by DEA-NM Personnel OPR continues to quote the ASAC who stated, "And my understanding is...it's our discretion what efforts or what steps we take to mitigate [the public safety] risk, so long as...they're reasonable..." Again, the ASAC is correct, and again his statements prove my point. We do have some discretion with what efforts we take to mitigate risks to the public. The ASAC even admits that the steps taken need to be "reasonable." The problem with OPR's report is they fail to document any "reasonable efforts" taken by the USAO and the DEA. OPR fails to document what steps were taken to mitigate the risk of fentanyl reaching the streets of [REDACTED]. This, in my opinion, is another reason OPR's report lacks credibility. They make assertions, while providing no evidence. The evidence instead will show that certain AUSAs and certain DEA agents did nothing to stop the distribution of hundreds of thousands of fentanyl pills from reaching [REDACTED]'s streets.

I will now respond to OPR's report regarding OPR's investigation into DEA enforcement operations. I believe I have the evidence to show that certain AUSAs abused their authority, how certain AUSAs and certain DEA agents disregarded the "fentanyl [REDACTED]," and how people in [REDACTED], NM, were endangered.

During the spring of 2023, a DEA agent, who is referred to in OPR's report as Special Agent 1 [REDACTED] a fentanyl trafficker. Prior to commencing [REDACTED], DEA agents were instructed by AUSA 1 and AUSA 2 to follow the "fentanyl [REDACTED]." This "fentanyl [REDACTED]" instructs AUSAs and agents how to deal with fentanyl when they [REDACTED]. Again, there is no language in this document which explicitly allows AUSAs or agents to allow

fentanyl to be distributed, it instead states that agents should make reasonable efforts to stop the distribution of fentanyl.

After we commenced our [REDACTED] [REDACTED]. During our initial [REDACTED], I helped orchestrate [REDACTED] traffic stops on drug traffickers. All [REDACTED] traffic stops resulted in either the seizure of drugs and guns or U.S. currency. (The U.S. currency was seized because the money was derived from the sale of fentanyl and other drugs.) One of our [REDACTED] traffic stops was conducted in [REDACTED] at my request. This traffic stop was conducted by [REDACTED] State Patrol who were assisted by DEA agents [REDACTED]. My point of bringing this to your attention is to demonstrate what is possible when an agent takes “prompt action.”

It is important to note that none of our [REDACTED] attempted traffic stops ruined our investigation. A common theme in OPR’s report is the myth that conducting a traffic stop will ruin an investigation. There are certain skills sets that need to be employed in order to conduct a traffic stop, seize dangerous drugs and also at the same time not ruin an investigation. The DEA agents I work with know how and when to employ these skill sets.

On one of the days towards the end of our [REDACTED] [REDACTED], Special Agent 1 and I were made aware of [REDACTED] [REDACTED] that a sale of fentanyl in the six to seven thousand range was imminent. This information was communicated by Special Agent 1 to AUSA 2. After communicating this information, Special Agent 1 and I decided that we should at least make a reasonable effort to stop the distribution of fentanyl. Agents in our DEA group and additional agents from another DEA group set up for surveillance. Pursuant to this surveillance, DEA agents conducted a traffic stop on the person who we believed purchased the fentanyl. During the traffic stop, [REDACTED] [REDACTED] DEA agent located and seized approximately [REDACTED] fentanyl pills and a firearm from the vehicle. The person who had the firearm was also a felon.

After the traffic stop was conducted, Special Agent 1 told AUSA 1 that a traffic stop had been made which resulted with a seizure of fentanyl and a firearm. AUSA 1 responded, asking Special Agent 1, “Why’d you do that?” According to Special Agent 1, AUSA 1 appeared disappointed in our efforts which left him with the understanding that AUSA 1 was fearful that we were jeopardizing our investigation. OPR did not interview Special Agent 1.

Please reference in OPR’s report on page 8, paragraph 3, under Traffic Stop 1 OPR stated, “AUSA 1 told him to ‘just get a license plate’ [number].” OPR continues by stating, “that the AUSA did not specifically tell the agents not to stop the vehicle.” This statement is technically accurate; however, it is also misleading. The statement “just get a license plate” is meant to be understood as only get a license plate (which can also be interpreted as do not stop the vehicle). Special Agent 1 later clarified with me that this statement was made to him by AUSA 1 after the traffic stop was conducted. Special Agent 1 also clarified by telling me that the statement was posed by AUSA 1 as more of a question, for example, “Why did you guys not just get a license plate?”

The question remains; how does “just get a license plate” constitute a “reasonable effort” to stop the distribution of fentanyl? The questions posed by AUSA 1 to Special Agent 1 shows that AUSA 1 did not want us to stop and interdict this fentanyl in any way. I also believe it was an abuse of AUSA 1’s authority to question why agents seized this fentanyl, especially since the “fentanyl [REDACTED]” instructed us to make a reasonable effort, which we did. In addition, this enforcement operation was approved by Group Supervisor 1 and the [REDACTED] ASAC. In previously mentioned statements, both the [REDACTED] and the [REDACTED] ASAC were quoted in OPR’s report as stating that we make “reasonable efforts” to “prevent distribution.” By stopping this vehicle, Special Agent 1 and I were following our directives. I believe at the very least it was highly inappropriate for AUSA 1 to question the good faith efforts of law enforcement, especially considering the associated risks with allowing thousands of fentanyl pills to be distributed, when we had the ability to stop this from happening.

A few days after making this traffic stop, myself and Special Agent 1 were called in for a meeting at the USAO. This meeting was called by AUSA 1. At this meeting, AUSA 1 made inaccurate and inappropriate statements to myself and Special Agent 1. These comments were made in a critical manner in reference to the methods employed in how the traffic stop was conducted. AUSA 1 used language which strongly inferred that he did not want us to make any more traffic stops. At no point during this meeting did either AUSA 1 or AUSA 2 seem even slightly pleased or enthused that both fentanyl and a firearm were seized.⁶ I specifically remember that Special Agent 1 informed AUSA 1 that his guidance, by instructing agents to stop making traffic stops (involving fentanyl) could be considered a violation of our DEA Agent’s Manual. AUSA 1 replied that our manual was “ridiculous.” Belittling the DEA Agent’s Manual and criticizing our law enforcement methods, in my opinion, demonstrated the “abuse of their authority.” These statements were relayed to OPR and, to my surprise, OPR did not reference them in their report.

Special Agent 1 and I departed this meeting with the understanding that we should stop making traffic stops unless instructed to do so by AUSA 1 or AUSA 2. OPR stated in their report that “the AUSA did not specifically tell the agents not to stop the vehicle.” This statement is technically accurate, however, the AUSA admonished our methods and strongly hinted for us to stop making traffic stops. (AUSA 2 later admitted to me privately that [REDACTED] was pleased that we made these seizures.)

Please reference in OPR’s report, on page 8, paragraph 4, under Traffic Stop 1 where OPR interviews the [REDACTED] AUSA and AUSA 2. OPR stated, “AUSA 2 told OPR that he discussed with the agents alternatives to the traffic stop to obtain information separate and apart from the [REDACTED] and using that information for a search warrant on the customer’s home.” I remember this conversation; however, this was told to me at the USAO meeting, which was a few days after the traffic stop. Special Agent 1 also confirmed to me that those instructions were never communicated to him prior to us making our traffic stop.

⁶ This seizure of fentanyl corroborated [REDACTED] and charges could have been filed on this felon at a later date.

Please reference in OPR's report on page 9, paragraph 1, under Traffic Stop 1 OPR stated, "The complainant, however, told OPR that although conducting surveillance and obtaining a search warrant for the customer's house 'could be done' he disagreed with that course of action due to a lack of manpower and his concern that the fentanyl could be distributed." This is true. We simply did not have the manpower to conduct surveillance [REDACTED] on his lower-level customer. Besides this point, (as quoted by the [REDACTED] and the [REDACTED] ASAC) we needed to attempt a reasonable effort to stop the distribution. If we had allowed this fentanyl to reach its destination there is no one that could have guaranteed that this fentanyl would ever be recovered. Here is an example of what could go wrong; what if thirty minutes after the fentanyl arrived to this residence, the same vehicle, or another vehicle departed from the target residence? Is the fentanyl still in the residence? Did the person driving the vehicle away from the residence take the fentanyl to another customer? How would I or any other agent know if the fentanyl was in that vehicle or still within the residence? The answer is, we would not know. This is precisely why we stopped the vehicle, when we knew the fentanyl was still within the vehicle.

What OPR and the USAO fail to mention to you in their report and in their interviews was that the target, whom we detained and seized fentanyl and a firearm from, had a [REDACTED] living with him. In fact, the fentanyl and the firearm were seized from a compartment located [REDACTED] [REDACTED] when the traffic stop was conducted. The target of this investigation picked up [REDACTED] after picking up the fentanyl from the source of supply. Who is to say if I or another agent allowed this distribution of fentanyl that [REDACTED] or another person would not be placed in danger from these drugs? Can anyone assure that no one would be hurt from allowing this distribution? Of course not. Instead, we made the decision to stop the vehicle and to seize all of the fentanyl. If myself and other agents had waited and attempted to develop future probable cause for a search warrant it is highly likely that some of this fentanyl would have been distributed to other drug users. However, as you can read in OPR's report, the [REDACTED] [REDACTED] AUSA and AUSA 2 appeared perfectly willing to take that risk. I also want to mention that during our meeting at the USAO, AUSA 1 told Special Agent 1 and I that the [REDACTED] [REDACTED] AUSA believed we traumatized [REDACTED] during the traffic stop. This statement was void of facts, disrespectful and highly inappropriate as our efforts were to protect [REDACTED]. What is even more perplexing is this [REDACTED] [REDACTED] AUSA actually wanted us to do a search warrant at the residence where [REDACTED] lived. A search warrant at [REDACTED] residence would have traumatized [REDACTED] much worse than a simple traffic stop, which resulted with a short detainment of [REDACTED].

During the summer of 2023, Special Agent 1 was [REDACTED] [REDACTED]. During the first two weeks [REDACTED] [REDACTED].⁷ OPR confirms this information on page 9, paragraph 4, under Traffic Stop 2 stating, "[REDACTED] [REDACTED]..." In fact, there were conversations between myself and AUSA 2 regarding terminating [REDACTED] [REDACTED].

⁷ [REDACTED]
[REDACTED]

[REDACTED]. Before digging further into Traffic Stop 2, it is important for me to mention, that prior to conducting a surveillance operation or a traffic stop, agents must first have an approved DEA Operational Plan. I had an approved Operational Plan for this traffic stop which was approved by Group Supervisor 1 and the [REDACTED] office ASAC.

After [REDACTED], I communicated with AUSA 2 that I wanted to conduct a traffic stop on this supplier. I also told AUSA 2 that the intent of this traffic stop was to [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
AUSA 2 was initially okay with this plan. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Please reference in OPR's report on page 9, paragraph 4, under Traffic Stop 2 OPR stated, "the USAO-NM wanted to [REDACTED] and attempt to determine, among other things, the supplier's source." However, OPR fails to mention in their report that Special Agent 1 and I discovered the "supplier's source." OPR knew we identified the supplier's source, yet they omit this information because this information would support the decision I made. This is another reason I believe OPR's report lacks credibility.

The next day, while we were [REDACTED] (prior to us having conducted Traffic Stop 2), AUSA 2 called me and told me that his office was uncomfortable with DEA making this traffic stop. Please reference in OPR's report on page 9, paragraph 3, under Traffic Stop 2 OPR stated, "Shortly thereafter, AUSA 2 informed the complainant that his 'management was uncomfortable' with a traffic stop..." To put things into context, when AUSA 2 called me back it was approximately 24 hours after I first spoke with AUSA 2. At that time, DEA agents including myself were already [REDACTED] and were waiting for further [REDACTED]. I told AUSA 2 to contact Group Supervisor 1 so that AUSA 2 could discuss his concerns with Group Supervisor 1. AUSA 2 agreed and spoke with Group Supervisor 1. After speaking with AUSA 2, Group Supervisor 1 called me back and told me that I was okay to continue (with the traffic stop) as planned.

Another point I would like to make is the common theme that every time I would call the USAO in an effort to stop drugs from being distributed they would always respond with hesitancy. OPR's report documents this hesitancy by describing the USAO with their own words, such as "management was uncomfortable with a traffic stop" and that the "USAO-NM was not happy about the complainant's decision making." The bottom line is any decision I ever made to stop drugs from reaching the streets was always met with frustration and resentment.

Please reference in OPR's report, page 9, paragraph 3, under "Traffic Stop 2" where OPR discusses this traffic stop. OPR inaccurately stated, "[REDACTED] that the supplier intended to sell to the leader a substantial quantity of narcotics..." These words are incorrect,

because the supplier would be higher up the chain of command than the person to whom he is supplying drugs. In other words, the supplier would be the leader and not the other way around. OPR is correct in saying [REDACTED]. With this newly developed information, DEA agents eventually stopped this supplier after an agent observed a car-to-car exchange [REDACTED]. Yes, I was wrong, the source of supply was not transporting fentanyl as I had thought. Instead we seized a kilogram of another drug. However, the drug which was seized is also known to cause deadly overdoses. We also seized a firearm. [REDACTED], AUSA 2 called me and told me to draft a criminal complaint and have the person arrested, which I did. OPR quoted earlier that the USAO “was not happy” about my decision making, yet this decision resulted with the seizure of a controlled substance, the seizure of a gun, and the arrest of a source of supply. This decision also led to information being developed which identified two new sources of supply. What is there not to be happy about?

Please reference in OPR’s report on page 10, paragraph 2, under Traffic Stop 2 OPR stated, “the AUSAs also advised the agents that if the stop was to be made, it should be made when the exchange was taking place, and both targets should be arrested.” This information was never communicated to me. The first time I was made of aware of this information was when I read this OPR report. If this information had been communicated to me, I could have easily arranged for that to have taken place. OPR also stated in footnote 8 that “In the AUSAs views, this action would have taken both targets into custody at the same time, rather than allowing the leader to remain free for additional time...” This statement is insulting to me because AUSA 2 knew that the purpose of the traffic stop was not to make an arrest, but [REDACTED]. In addition, after I made this arrest, I strongly insisted for AUSA 2 to allow me to arrest the remaining drug trafficker. Instead, the USAO did not give me permission to arrest this individual until four months later. In so doing, they allowed a fentanyl and cocaine distributor to remain on the streets for months. OPR has in their possession a [REDACTED] [REDACTED] which proves my statement is true.

Please reference in OPR’s report on page 10, paragraph 3, under Traffic Stop 2 OPR stated, “In addition, at the time, the investigators had no information about what type of narcotics were being transacted, and the complainant’s assumption that it was fentanyl ultimately proved incorrect.” This again shows the USAO attitude towards drugs being [REDACTED]. In their own words, they suggest that if we are not sure what drugs are to be distributed, that we should do nothing. I believe these details are describing a pattern of inappropriate and dangerous behavior at the USAO (in [REDACTED], NM). The USAO also used hindsight information against me. OPR and the USAO also fail to mention a directive in the “fentanyl [REDACTED]” which [REDACTED] [REDACTED]. It just so happens that the person selling this kilogram was doing so to a person who also sold fentanyl. So, according to the [REDACTED] which I had at the time, I was completely validated to conduct this traffic stop.

A few days after making this arrest, the [REDACTED] AUSA scheduled a meeting for me to come to [REDACTED] office. (All of this information was communicated to OPR, and OPR made no mention of

this meeting in their report.) This meeting was attended by myself, Group Supervisor 1, [REDACTED] AUSA and the [REDACTED] AUSA. At the beginning of this meeting, the [REDACTED] AUSA told me [REDACTED] was glad a day or two had passed because [REDACTED] was not as angry with me as [REDACTED] had been. This [REDACTED] AUSA proceeded to tell me how disappointed [REDACTED] was with me. This [REDACTED] AUSA told me [REDACTED] initial reaction, knowing the results of my traffic stop, was a one-word [REDACTED] to [REDACTED] AUSA which stated “decline.” This meant that the [REDACTED] AUSA was so upset with me, because I made this traffic stop, that [REDACTED] almost declined to prosecute this defendant due to [REDACTED] anger with me. This [REDACTED] AUSA continued by telling me that if we were both in the military together [REDACTED] would have had me punished at “Captain’s Mast.”⁸ This [REDACTED] AUSA then proceeded to call me a “rogue agent” and continued by telling me that I had broken the trust of [REDACTED] AUSAs because I was not working as part of his team. This [REDACTED] AUSA ended [REDACTED] reprimand by telling me that [REDACTED] office was unlikely to accept any more of my long-term investigations and that I would likely be limited to working drug investigations “on the reservation” or conducting “overdose” death investigations.

After receiving this reprimand, I reminded this [REDACTED] AUSA that I was not [REDACTED] employee, therefore, it was inappropriate for [REDACTED] to tell me that [REDACTED] would try to punish me (because [REDACTED] had no authority to do so). Secondly, I was not a “rogue agent” because of the fact that I had an approved DEA Operational Plan, which was approved by two DEA supervisors. In addition, I also had approximately ten to fifteen agents out [REDACTED] helping me orchestrate this traffic stop. Thirdly, I explained to this [REDACTED] AUSA that I knew that [REDACTED] office was responsible for allowing tens of thousands of fentanyl pills⁹ to be distributed into [REDACTED], and if the general public became aware of this behavior by [REDACTED] office that someone would likely be fired. This [REDACTED] AUSA responded to me that I could very well be right, but that was [REDACTED] decision to make. Again, all of this information was explained to OPR as I believed this meeting and the words spoken, including the threats were vastly inappropriate and constituted “an abuse of their authority.” And yet, there is absolutely no mention of this meeting and the words spoken to me in OPR’s report (and there were three witnesses to this conversation). This is another reason I believe OPR’s report lacks credibility and transparency.

This [REDACTED] AUSA and [REDACTED] [REDACTED] AUSA should never have called me to their office for this reprimand. Instead, these two AUSAs should have spoken to the two supervisors who approved my Operational Plan. In my opinion, this shows a lack of good judgement by both the [REDACTED] AUSA and the [REDACTED] AUSA.

During this next phase of my response, I am going to respond to two other DEA investigations which I reported to OPR. In OPR’s report they refer to these investigations as Investigation B and Investigation C. Regarding these two investigations, I sent OPR DEA reports and witness statements regarding certain AUSAs and certain DEA agents intentionally allowing hundreds of

⁸ “Captain’s Mast” is a term used in the Navy and Coast Guard to describe a non-judicial punishment process.

⁹ I later learned that the number was much higher and into the hundreds of thousands of fentanyl pills.

thousands of fentanyl pills to be distributed into [REDACTED], NM. These reports are not based on my opinions. These reports are written by other DEA agents and these DEA agents describe in great detail the amounts of fentanyl. In addition, OPR, the AUSAs and DEA agents involved all know that there were no described efforts made to stop these large distributions of fentanyl into [REDACTED], NM. During my interview with OPR, I made sure that OPR investigators were both made aware that I was specifically making my whistleblower allegations due to the fact that absolutely no effort was made to stop these distributions of fentanyl.

Prior to me commenting on Investigation B, I would like to state that I sent OPR another DEA report within Investigation B for them to investigate. This DEA report described facts that show agents had prior knowledge of a large shipment of drugs which were to be delivered to a [REDACTED] in [REDACTED], NM. This event took place a few weeks prior to Investigation B and also occurred during their [REDACTED] investigation. In the DEA report there is a conversation of having already sold [REDACTED]. Seconds later, there are descriptions provided regarding "[REDACTED]" and "[REDACTED]" in the amount of "[REDACTED]" ("REDACTED" can be described as [REDACTED] [REDACTED]). Fentanyl just so happens to be little blue pills.) These conversations would have let the case agents know that their targets were also known to sell fentanyl. According to this DEA report, a DEA agent described a drug courier who delivered a large shipment of drugs, hidden within a [REDACTED]. In this DEA report, there is no mention of any reasonable effort to stop this large delivery of drugs (possibly fentanyl) from being delivered. I provided this DEA report to OPR to demonstrate a pattern of behavior regarding certain AUSAs and certain DEA agents intentionally making no effort to stop large drug deliveries [REDACTED] and that these instances were not one-time events. My belief was that OPR would investigate this allegation along with Investigation B. However, there is no mention of this incident in OPR's report. There are many other DEA reports within [REDACTED] investigation which also document drugs being delivered [REDACTED] as common occurrences.

I will now respond to OPR's investigation into Investigation B. Please reference in OPR's report on page 11, paragraph 1, under Investigation B where OPR stated, "According to OSC's referral, the complainant alleges that he participated in a [REDACTED] operation that he and other agents believed to be a delivery of 'tens of thousands of fentanyl pills' that agents did not stop." This is true. I provided OPR with a detailed DEA report where an agent who is referred to in OPR's report as Special Agent 3 described that DEA agents allowed a [REDACTED] fentanyl pill delivery, then a few day later a [REDACTED] fentanyl pill delivery followed by a [REDACTED] fentanyl pill delivery. The DEA reports speaks for itself and it is very detailed about what was delivered to include precise amounts of fentanyl. This DEA report, however, fails to document any reasonable effort to stop any of these large deliveries of fentanyl.

Please reference in OPR's report on page 11, paragraph 2, under Investigation B where OPR stated that I was not a part of their "multi-year" investigation and that I only "assisted with a single [REDACTED]" OPR also asserts that I had "little or no direct information." Based upon OPR's statement, perhaps you are supposed to conclude that I am not qualified to determine what actions should have taken place. I believe OPR's statements are misleading. First, I assisted

on Investigation B on more than one “single [REDACTED].” Facts should matter. There is proof that I helped out on more than one “single [REDACTED].” Secondly, I have worked other similar long-term drug conspiracies. I do not need to be familiar with every aspect of another agent’s investigation to understand when drugs are being smuggled into our city, and that drugs cause death and destruction to the communities which they are destined. Thirdly, we had a “fentanyl [REDACTED]” which agents were supposed to follow. I also surmised that this DEA group had absolutely no intention of making any effort to stop this drug courier. This opinion was based upon years of hearing from other agents how this DEA group was known for not stopping large shipments of drugs from being distributed [REDACTED]. To confirm my suspicions, I told OPR during my interview, that early during our surveillance I called Group Supervisor 1 and asked him if the agents were planning on stopping this drug courier. Group Supervisor 1 told me that the agents were not planning on stopping the drug courier. I asked him why these agents were not planning an attempt to stop this drug delivery. Group Supervisor 1 told me he did not know their reasoning and that he only knew this information from what he had been briefed. (This conversation between myself and Group Supervisor 1 took place prior to the drug courier arriving to its destination.) My point of stating this, is to explain that there never was going to be a stop on this drug courier. From my years working and watching other agents work [REDACTED] at DEA (in [REDACTED]), I have observed certain AUSAs and certain DEA agents flippantly make decisions not to stop vehicles they believe contain dangerous drugs.¹⁰ I strongly believe that these all to frequent decisions not to stop large drug deliveries do not provide proper risk mitigation for the general wellbeing and safety of the public.

Please reference OPR’s report on page 11, paragraph 3, under Investigation B where OPR stated, “agents had received vague information about a potential drug resupply and other information about a known drug courier for the DTO indicating behavior consistent with an imminent resupply.” Shortly after, OPR stated, “the leader would receive a resupply that day or the next, which Special Agent 2 believed was referring to cocaine.” As I have previously stated, the “fentanyl [REDACTED]” was also supposed to apply to [REDACTED]
[REDACTED]

Please reference in OPR’s report on page 11, paragraph 4, under Investigation B where OPR stated, “drugs were coming in from an identified city in New Mexico.” OPR continues by stating, “Special Agent 2 did not know whether he was watching the correct courier, what drug was involved, or the specific delivery location.” In paragraph 5, OPR stated, “Over the course of the evening, the agents located the courier at a residence used by the DTO that was under surveillance.” These statements by Special Agent 2 are extremely misleading. OPR has this DEA report. OPR should know that this statement was not true, because the report stated that Special Agent 2 located this [REDACTED] courier on Interstate 25, twenty miles south of [REDACTED]. In fact, Special Agent 2 was [REDACTED] on this [REDACTED] courier prior to [REDACTED]

¹⁰ No agent believed this courier was transporting a load of marijuana. In other words, agents would be limited in their guessing to believe this courier was either transporting, cocaine, methamphetamine or fentanyl. All three of these drugs are considered dangerous. (Fentanyl has almost completely replaced heroin, this is why I am not mentioning heroin as a reasonable option.)

arriving to [REDACTED]. Agents then followed this [REDACTED] drug courier into the [REDACTED] city limits, where the [REDACTED] courier became lost. Ultimately, the [REDACTED] courier was guided to an apartment where we watched this first [REDACTED] fentanyl pill delivery take place. OPR stated that Special Agent 2 did not know whether he was watching the correct courier. Does this mean that Special Agent 2 randomly selected [REDACTED] to follow off of the freeway? And that this [REDACTED] just so happened to travel to the DTO's apartment? The reality is, Special Agent 2 determined which apartment this courier was traveling to prior to the courier arriving because the targets [REDACTED]

[REDACTED]. Never did I think that DEA agents were confused with who or why we were following this [REDACTED] drug courier (please read the DEA report). In addition, we had ample time and opportunity to conduct a traffic stop on this [REDACTED] drug courier prior to [REDACTED] arriving to [REDACTED] destination in [REDACTED], even if agents had to conduct the traffic stop themselves. This drug courier also arrived to the delivery destination during daylight hours. OPR even previously stated that DEA agents knew that "the leader would receive a resupply that day or the next..." If there was ever an intent to make an interdiction, Special Agent 2 most certainly had the time to start preparing. (As I documented above under Traffic Stop 2, I received information [REDACTED] and the next day my DEA group went out and made the stop.)

What is not mentioned in OPR's report is the fact that each DEA group has Task Force Officers (TFOs). These TFOs are local police officers (or sheriff's) who have access to marked police vehicles to conduct traffic stops. Also, most DEA government vehicles are outfitted with lights and sirens, and it is not uncommon for DEA agents to conduct traffic stops. My point is this: if DEA or the USAO wanted to stop this [REDACTED] courier, we would have done just that, as we are equipped to do so. This was hardly a complicated operation. These agents are highly trained and qualified and could have easily stopped this courier, despite the fact that OPR's report stated (on page 12, paragraph 2) "a drug interdiction requires the involvement of the local police and, given the inherent danger involved, substantial planning." Traffic stops have the potential to be dangerous, however, law enforcement is properly trained in these scenarios. There is a reason that law enforcement officers carry firearms, this is due to the inherent risks of doing the job. DEA also has training on how to conduct enforcement operations. I believe OPR specifically used language in their report in an effort to make the public think interdicting this fentanyl was too difficult a task. I orchestrated [REDACTED] traffic stops during our [REDACTED] my investigation, all of which were successful (with seizures). One of the [REDACTED] traffic stops we conducted we planned over the phone [REDACTED], and we were successful. Despite what certain AUSAs or certain agents state, this [REDACTED] drug courier could have easily been stopped by law enforcement. Agents could have then confirmed that the drug the courier was smuggling was not cocaine, but rather [REDACTED] fentanyl pills.

Please reference in OPR's report on page 10, paragraph 4, under Investigation B where OPR stated, "The investigation into the DTO involved multiple [REDACTED] orders and years of investigative work." An investigator could then ask, exactly how many traffic stops or interdictions did AUSAs and agents attempt during their numerous [REDACTED] and years of

investigative work? No traffic stops? One traffic stop? Two traffic stops? Would the public like to know? Unfortunately, OPR does not address how many actual attempts at seizing drugs DEA agents conducted [REDACTED] under Investigation B.

Please reference in OPR's report on page 11, paragraph 5, under Investigation B OPR stated, "agents were unable to determine what was being delivered or where the delivery took place." This statement is also inaccurate. The DEA report details a delivery which took place at an apartment where we followed the [REDACTED] courier. OPR continues, "...law enforcement [REDACTED] [REDACTED] that indicated an additional transaction was planned and observed the DTO leader engaging in a transaction with an associate of the new purchaser. None of the individuals observed in the suspected transaction were stopped at the time." OPR is correct; nobody was stopped. Agents observed two large deliveries of fentanyl, and made no effort to stop either one. (The first delivery was in the amount of [REDACTED] fentanyl pills and the second delivery was in the amount of [REDACTED] fentanyl pills both of which were permitted to be delivered to residences in [REDACTED], NM.)

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]. When reading this DEA report which was provided to OPR, the DEA agents explain exactly [REDACTED]. Based upon Special Agent 3's own report, Special Agent 3 made it clear what he believed those [REDACTED]. Special Agent 3's report strongly indicates large shipments of fentanyl. Special Agent 3 described a shipment containing [REDACTED] and that there were "[REDACTED]" of them. [REDACTED]. The agent himself also mentioned in his report that the only drug that agents know of that is denominated in the [REDACTED] is fentanyl. This is true. DEA agents generally know that most other drugs are determined in grams, ounces, pounds or kilograms.

Please reference in OPR's report on page 11, paragraph 6, under Investigation B OPR stated, "Special Agent 2 told OPR that, in his view, the fentanyl guidance did not apply because, at that time, they did not know what drugs were being transacted, and they did not have probable cause to believe it was fentanyl. In addition, his decision not to interdict the transaction was approved by his supervisor." If DEA or the USAO really wanted to know what drugs were being smuggled, why did they not stop any of these deliveries and find out? Agents could have stopped and seized some of these drugs from reaching the public. The unfortunate truth is that these agents did not want to stop these drug deliveries from happening because they feared any seizure of drugs would ruin their investigation. OPR continues by explaining that it took Special Agent 2 approximately "five to six weeks after the fact when they had additional information and time to analyze it" to determine that the drugs were in fact fentanyl. This statement is ridiculous and false. Agents realized these deliveries contained fentanyl much sooner than five to six weeks after [REDACTED]. That same evening, agents were made aware [REDACTED] that the

drugs contained “[REDACTED]” of them. It is also important to note, [REDACTED] agents frequently state that they have experience in [REDACTED]. Agents further explain in [REDACTED] what they believe [REDACTED] means and often in great detail. However, the reverse can also be true, when an agent does not want to stop a vehicle or obtain a search warrant for a residence an agent can also easily say that he does not understand a [REDACTED]. Are we to conclude that it took Special Agent 2 “five to six weeks” to determine what “[REDACTED]” and “[REDACTED]” meant? OPR was provided a [REDACTED] where Special Agent 2 disclosed his knowledge of tens of thousands of “pills” which [REDACTED] during Investigation B. This [REDACTED] was sent to me, by Special Agent 2, well prior to the five to six-week time frame. OPR should have compared their interview with Special Agent 2 with the evidence which I provided them. In doing so, OPR could have determined the truth. Instead, it appears that OPR just relied on Special Agent 2’s statements (as truth).

Please reference in OPR’s report on page 12, paragraph 1, under Investigation B OPR stated more inaccurate information such as, “Special Agent 3...confirmed to OPR that at the time of the transaction, the agents did not know fentanyl was involved and did not have probable cause to get a search warrant...” To suggest to OPR and for OPR to publish in their report that agents “did not have probable cause to get a search warrant” is absurd. Based on [REDACTED], and based upon all of the other probable cause which agents had previously developed, agents could have easily obtained a search warrant for any of the locations discussed in this DEA report.

This is exactly how certain AUSAs and certain agents can distract from facts. DEA could have arranged for a traffic stop on this [REDACTED] drug courier with local law enforcement or with the use of a TFO and seized these drugs well before they reached their destination. Therefore, there should have never been a need for agents to obtain a search warrant. It is not uncommon for drug couriers to get stopped by police on interstates. [REDACTED]
[REDACTED]

The hypocrisy continues on page 12, paragraph 2, under Investigation B where OPR stated, “agents did conduct additional surveillance and used the information obtained from that surveillance to obtain a warrant to track the purchaser’s phone.” The paragraph above just stated that agents “did not have probable cause to get a search warrant” and the paragraph below stated that agents did obtain a search warrant, however, just for a cell phone. Was there a search warrant conducted to retrieve any of the fentanyl? No. This makes my point. This on its own is a violation of policy. The truth is, this operation was never about seizing drugs from the streets. Instead, this was all about continuing the investigation no matter what unintended consequences were caused by allowing these large amounts of fentanyl to reach the public.

Please reference more weak excuse making in OPR’s report on page 12, paragraph 2, under Investigation B as to why agents could not stop any of this fentanyl from being delivered. OPR actually stated in their report that Special Agent 2 did not want to arrest the drug dealers because it could have caused “risks to the public.” What they are telling you, is because they are concerned for your safety, they let all of the fentanyl be delivered and they did not arrest any

drug traffickers, because they were concerned for your safety. OPR continues to document on page 12, paragraph 2, that one of the reasons DEA could not interdict this supply of fentanyl was because it was in the “evening.” This is a nonsensical argument to be made because of the fact that DEA routinely conducts search warrants at 6:00 a.m., when it is still dark outside. This sort of excuse making is disingenuous.

Please reference in OPR’s report on page 12, paragraph 3, under Investigation B where the [REDACTED] AUSA stated, “that the potential danger to the public was a factor in the decision not to conduct any enforcement action on that date.” This statement is just as absurd as the statement above and is extremely misleading. For the [REDACTED] AUSA and Special Agent 2 to state that one of the reasons that they allowed all of this fentanyl to be distributed into [REDACTED], was because they were concerned for your safety is misleading. As I have stated above and have documented to OPR, Group Supervisor 1 knew well in advance (during daylight hours) that no interdiction was to take place. Anyone who had access to this information at the USAO and at DEA knows that we could have stopped this [REDACTED] courier, or we could have obtained search warrants and went and seized some of the remaining fentanyl, even if we did so over the next few days. OPR’s report even contradicts themselves, because they stated earlier in their report when they document how the [REDACTED] AUSA wanted me to obtain a search warrant on my own investigation. Please refer back to page 8, paragraph 5, OPR stated, “The [REDACTED] AUSA’s version of events was consistent with AUSA 2’s. He stated that his preference was for the agents to conduct additional surveillance on the customer’s residence, surveil illicit activities there and stop other buyers, and use that new information...to obtain a search warrant.” Why did this [REDACTED] AUSA feel this was an appropriate action for me to take, and yet it was not an appropriate action for these other agents to take? This should especially be true given the fact that Investigation B had approximately ten times the amount of fentanyl. Should it not be even more of a priority to seize [REDACTED] fentanyl pills rather than just [REDACTED] fentanyl pills?

Please reference in OPR’s investigation on page 12, paragraph 4, under Investigation B OPR stated, “OPR concluded that the decisions the DEA-NM made not to interdict the drugs, based on the information the agents had at the time, were reasonable and consistent with the fentanyl guidance.” How so? OPR provides no example in their report how any AUSA or agent made any reasonable attempt to protect the public from fentanyl. OPR then continues on page 12, paragraph 4, stating “an attempted enforcement action could have tipped off the organization...potentially ruining years of work.” This excuse can be made each and every time we do anything in law enforcement, it is the catch all phrase. We tell ourselves that we cannot do anything because any attempt to seize drugs could ruin the investigation. I cannot tell you how many times I have ran a [REDACTED] operation while conducting a [REDACTED] investigation and a target spots law enforcement [REDACTED] and then communicates this information to his co-conspirators. Almost everything we do in law enforcement carries a certain risk. Even after encountering setbacks during investigations, agents still have the ability to rebound, make corrections, and continue on.

Please reference in OPR's report on page 12, paragraph 4, under Investigation B OPR stated that DEA eventually had a "massive law enforcement operation" where fentanyl was seized. This is true, however, the fentanyl which was seized, pales in comparison to the fentanyl that the USAO and DEA allowed to be distributed to the general public. In one DEA report within Investigation B, a DEA agent documents a large drug delivery (possibly in the amount of [REDACTED] fentanyl pills). In a second DEA report within Investigation B, another DEA agent documents [REDACTED] deliveries of fentanyl which totaled [REDACTED] fentanyl pills. In all of these instances, there were no documented attempts to seize any of these drugs. OPR had this information. With this information, OPR still somehow concluded that all of these inactions did not constitute "a substantial and specific danger to the public health and safety" (and they do so with no evidence to support their claims).

I will now respond to OPR's investigation into Investigation C. Please reference OPR's report on page 13, paragraph 1, specifically Investigation C. In this allegation I reported to OPR that DEA agents, with their own words, told me that [REDACTED] [REDACTED] separate shipments of fentanyl were allowed to be delivered in and around [REDACTED], NM. The first delivery was in the amount of [REDACTED] fentanyl pills and the second delivery was in the amount of [REDACTED] fentanyl pills. I alleged that these [REDACTED] fentanyl pills were allowed to be delivered in [REDACTED], NM, and that there was no effort of seizing any of this fentanyl. OPR vaguely describes these events in their report on page 13. To make matters worse, agents definitely knew in advance that these drug traffickers were going to deliver these amounts of fentanyl, because they openly discussed what they were going out to observe [REDACTED]. I even informed OPR that another Group Supervisor stated out loud that they were going out on a "pill drop." The very mention of "pill," would indicate that fentanyl was involved and the word "drop" meant the pills were to be delivered. (This person stated, "pill drop" not "pill stop.") I told OPR that I had a witness to this statement. Instead of using any of this information, or interviewing any of these people, OPR instead makes the assertion that I was not present on [REDACTED] so therefore I am somehow unqualified to determine what action should have been conducted. OPR further concludes, that these [REDACTED] fentanyl pills did not constitute "a specific danger to public health and safety." I find it puzzling that OPR fails to mention in their report the amounts of fentanyl which agents told me were delivered within [REDACTED]. The agents who openly discussed these deliveries had been previously briefed by the case agent, including the specific amounts of fentanyl to be distributed. This information was received from [REDACTED], and the "fentanyl [REDACTED]" should have absolutely applied. Also, of note, none of the agents in Investigation C were interviewed, neither were their AUSAs. At the end of this investigation, DEA conducted [REDACTED] search warrants and seized no fentanyl pills (though they did seize [REDACTED] another drug). And yet, the public is to be assured that somehow the USAO and the DEA made the correct decisions. How so? Based on what facts? The reality is there are no facts to support OPR's conclusions. OPR fails to document how these large amounts of fentanyl being allowed to be distributed to and within [REDACTED] was a good decision. OPR also fails to mention the lack of fentanyl seizures at the end of this investigation. Because OPR did not interview the case agent, neither the AUSA involved, and did not interview the person who said "pill drop" and their lack of candor to the amounts of fentanyl I alleged were

distributed are all reasons that lead me to believe that OPR's report lacks credibility. OPR could have easily interviewed and asked the case agent if he had made the statements regarding those specific amounts. OPR could easily have asked the Group Supervisor what he meant when he used the words, "pill drop." It is my belief that OPR specifically avoided these interviews in order to come to their conclusions.

I also notified OPR that the lead case agent on Investigation C, during a meeting with numerous attorneys and DEA agents (including OPR who was present on speaker phone) openly stated, and I quote, "Yes, we walk¹¹ fentanyl, and our AUSAs are aware." This agent openly admitted that our AUSAs knew that this behavior was happening. I made sure OPR was made aware of these comments, in case they did not hear the comments over the phone. Yet, there is no mention of this statement in their report. This statement alone could be construed as a danger to the public, because it shows that certain agents at DEA and certain AUSAs at the USAO in [REDACTED], NM, intentionally allow fentanyl to be delivered.

Please reference OPR's report on page 13, paragraph 4, under Conclusions. At the end of their investigation, OPR (with all the information I provided them) concludes that all of the decisions and oversight "appeared reasonable and therefore" there was no "specific danger to public health and safety." After documenting these hundreds of thousands of fentanyl pills which were distributed into [REDACTED], NM, how can OPR say with certainty that there was no "specific danger to public health and safety?" Not one person overdosed? Not one person died? Where is OPR's evidence to support this claim? OPR was made aware through [REDACTED] DEA reports and witness statements that hundreds of thousands of fentanyl pills were delivered to and around [REDACTED], and still they assert the public was not endangered by these deliberate inactions. The truth is OPR's statements are just words on a document. Meanwhile the people of [REDACTED], NM, deal with the death and crime fueled by fentanyl and other dangerous drugs. I believe, by using just a little common sense, one can easily determine, at the very least, that a person or perhaps people probably died from these large amounts of fentanyl.

In my opinion, if OPR wanted to have some credibility they should have at least admitted that they were unable to determine what harm was caused to the public. OPR could have even stated that perhaps the [REDACTED] "fentanyl [REDACTED]" provides AUSAs and DEA agents with too much discretion. According to OPR's report and conclusions, a Supervisory AUSA or a DEA supervisor anywhere in the country can now use their discretion and allow the distribution of a hundred thousand fentanyl pills to be delivered to your city. However, these supervisors do not necessarily deal with the consequences from their decision making. Unfortunately, you have to take their word that they were looking out for your city's best interests.

After all of my reporting, I find it astonishing that OPR informed OSC that after considering all of these reported incidents that not one AUSA abused their authority, not one agent violated policy, and that there was not one specific danger to public health and safety. Is not fentanyl that specific danger? Perhaps, OPR should turn on the news.

¹¹ The term "walk" means to allow to be distributed with no effort of stopping.

There are other e-mails I provided to OPR where I alleged other possible misconduct. These e-mails were not addressed in OPR's report. On one occasion, I overheard a DEA TFO openly brag that he had [REDACTED]. This basically means that he had [REDACTED]. AUSAs and agents are supposed to notify [REDACTED] regarding the fentanyl being trafficked [REDACTED]. I provided OPR with witnesses to this statement, and none of these people were interviewed. Part of my allegations to OPR were that certain AUSAs were greatly minimizing the amounts of fentanyl [REDACTED], when communicating with [REDACTED]. OPR only mentions in one of their investigations that there were "detailed information" which was communicated. This did not address my complaint. Did these detailed communications involve the specific amounts of fentanyl which were openly discussed at the DEA office? Were there other detailed communications in all of [REDACTED] investigations too? Why is this information not included in OPR's report? For example, did the USAO notify [REDACTED] that during Investigation B that they allowed in excess of [REDACTED]¹² fentanyl pills to be distributed? Did the USAO notify [REDACTED] that during Investigation C that they allowed at least [REDACTED] fentanyl pills to be distributed? I believe this is highly unlikely. If there are no policy violations and the public is not being put in danger then why not communicate to [REDACTED] the amounts of fentanyl which agents document in their DEA reports? Why does OPR not list these amounts of fentanyl in their report?

Another question that should be asked is, did any of the AUSAs on these investigations notify the District Judge, who [REDACTED] [REDACTED], to the specific amounts of fentanyl which they believed were being distributed [REDACTED]? AUSAs prepare [REDACTED] [REDACTED] for the Judge to view. These reports update the Judge as to [REDACTED] [REDACTED]. If there is nothing wrong with allowing the distribution of a hundred thousand fentanyl pills, then why not mention this to the Judge?

In another allegation, I provided OPR with an e-mail which stated that an Intel Analyst told me over the phone that he believed his group allowed an AK-47 (referred to [REDACTED] as a "[REDACTED]") to be delivered [REDACTED] and that no effort was conducted to seize this rifle from reaching [REDACTED]'s streets. What harm could an AK-47 have when sold to another drug co-conspirator? AUSAs and agents also have a weapons and violence [REDACTED] to follow. Is this, too, just a "guide" that AUSAs and agents have the discretion to follow or not follow? Why is this allegation not found in OPR's report?

I provided OPR with another e-mail which detailed an investigation where I alleged that AUSA 1, another DEA agent, and a TFO allowed a drug courier to make large deliveries of fentanyl and methamphetamine repeatedly from [REDACTED] Arizona, to [REDACTED] NM. These deliveries of drugs took place over a five-month span. I am alleging that these deliberate inactions allowed quantities of fentanyl, exceeding a hundred thousand and numerous pounds of methamphetamine to be delivered to [REDACTED], NM. OPR did not investigate this allegation.

¹² These amounts add up to no less than [REDACTED] fentanyl pills.

Prior to making my allegations, I consulted with a few other DEA agents in other DEA offices. No one I talked with had ever heard of another DEA agent “walking” a hundred thousand fentanyl pills [REDACTED].

After becoming a whistleblower, the Special Agent in Charge (SAC) of the DEA [REDACTED] Division requested me to travel from [REDACTED], NM, to [REDACTED] Texas, for a meeting. At this meeting, the SAC informed me that the USAO did not want me to be put in a position of having to testify. The SAC then placed certain limitations on what jobs I could perform as an agent. At this time, the DEA and the USAO knew that I had become a whistleblower. I was also informed that I would not receive documentation from DEA regarding this meeting or the limitations that were placed on me. Recently, the ASAC of the [REDACTED] office informed me that the USAO will never prosecute any of my investigations again, even though I have not been accused of any wrong doing, neither am I under any investigation. The ASAC of the [REDACTED] office also told me that the certain AUSAs were afraid of what I would testify to, if I was to take the witness stand.¹³ I have also had an experience where someone left trash on my work chair and another instance when trash was left on my keyboard. Once, I was also assigned a menial task of “gate duty” at our DEA office so that I could allow law enforcement into our DEA facility. This was a task that was also assigned to one of our administrative staff. Recently, I was informed by the ASAC of the [REDACTED] office that the SAC was presently providing me with two options, the first option stated by the ASAC was that I could resign from the DEA, and the second option (if I choose not to resign) is that I (and my family) would soon be involuntarily transferred to work in an administrative role in another State. I informed the ASAC that I was not going to resign.

As I conclude my response, I want to reiterate that the “fentanyl [REDACTED]” instructs AUSAs and agents on what actions to take when they encounter fentanyl [REDACTED]. This [REDACTED] was not taught to agents as simply “a guide.” I sat in these meetings and heard the seriousness of these words for myself. When reading this [REDACTED], [REDACTED], they [REDACTED] instruct AUSAs and agents to [REDACTED]. After reading my response, do you feel that the citizens within [REDACTED], NM, were properly protected?

Here are three final thoughts: 1) on our DEA intranet we have a fentanyl calculator that informs agents how many pills per 100 contain a deadly dose of fentanyl. This calculator uses data received from our DEA Laboratories to compile its results. This fentanyl calculator currently shows that 76 of every 100 fentanyl pills contain a deadly dose of fentanyl. This would mean that of the [REDACTED]¹⁴ fentanyl pills I disclosed to OPR, that [REDACTED] of these fentanyl pills contained a deadly dose of fentanyl. In addition, the DEA has a public campaign called, “One Pill Can Kill.” DEA has billboards, fliers, and vehicles covered with, “One Pill Can Kill.” DEA now calls fentanyl overdose deaths, “fentanyl poisonings.” The facts are – fentanyl, even in small doses, can be fatal. Having said this, OPR stated multiple times within their report that all of these

¹³ There are not options on how to testify, agents are simply instructed to testify to the truth.

¹⁴ In Investigation B I disclosed no less than [REDACTED] fentanyl pills and in Investigation C I disclosed [REDACTED] fentanyl pills totaling [REDACTED] fentanyl pills.

deadly doses of fentanyl (all of this poison) somehow resulted with no “specific danger to public health and safety.” You can process this information as you see fit. 2) I have no anger or personal vendettas against any of these agents mentioned, neither with the USAO. I simply take issue that DEA with one hand provides plaques to mothers who have lost loved ones to drug overdoses and with the other hand we cover our eyes and look the other way as we construct excuses not to stop vehicles we believe contain dangerous drugs, such as fentanyl. 3) In the year 2020, a fentanyl pill in [REDACTED], NM, sold for twenty dollars per pill. Today, agents buy fentanyl in bulk for sixty cents a pill. In fact, in a DEA report which I provided to OPR, a DEA agent stated in his report that fentanyl was believed to have been sold for forty-five cents (per pill). Based on these facts, I would suggest that our strategy is ineffective. I do believe in catching the “bigger fish,” just not at the expense of placing the general public in danger, and to our shame, that is exactly what we did.

I affirm that all of the information I have stated and provided is true to the best of my knowledge and belief.

Sincerely,

[REDACTED]

[REDACTED] dated September 17, 2024.