



U.S. OFFICE OF SPECIAL COUNSEL

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The Special Counsel

December 20, 2016

The President
The White House
Washington, D.C. 20500

Re: OSC File No. DI-14-4226

Dear Mr. President:

Pursuant to my duties as Special Counsel, I am forwarding an unredacted Department of Justice (DOJ) report based on disclosures of wrongdoing at the Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA), Washington, D.C. I have reviewed the DOJ report, and in accordance with 5 U.S.C. § 1213(e), provide the following summary of the report, the whistleblower's comments, and my findings.¹ The whistleblower, Timothy Jeffries, who consented to the release of his name, alleged that BJA Director Denise E. O'Donnell violated ethical standards by communicating with prohibited parties.

Mr. Jeffries' allegations were referred to Attorney General Loretta Lynch for investigation pursuant to 5 U.S.C. § 1213(c) and (d). DOJ's Office of Professional Responsibility (OPR) was tasked with investigating the matter. On February 5, 2016, Associate Deputy Attorney General Carlos Felipe Uriarte submitted the agency's report to the Office of Special Counsel (OSC). Mr. Jeffries provided comments to the report on November 28, 2016. The agency did not substantiate the allegations. Mr. Jeffries alleged that Ms. O'Donnell had a conflict of interest requiring her recusal when BJA employees discussed grant applications from New York State entities. He asserted that this conflict arose from Ms. O'Donnell's prior employment in the New York State Governor's Office and her husband's position as a New York State Supreme Court Judge. Mr. Jeffries also alleged that Ms. O'Donnell improperly directed BJA employees to award grants to New York State applicants.

¹ The Office of Special Counsel (OSC) is authorized by law to receive disclosures of information from federal employees alleging violations of law, rule, or regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health and safety. 5 U.S.C. § 1213(a) and (b). OSC does not have the authority to investigate a whistleblower's disclosure; rather, if the Special Counsel determines that there is a substantial likelihood that one of the aforementioned conditions exists, she is required to advise the appropriate agency head of her determination, and the agency head is required to conduct an investigation of the allegations and submit a written report. 5 U.S.C. § 1213(c). Upon receipt, the Special Counsel reviews the agency report to determine whether it contains all of the information required by statute and that the findings of the head of the agency appear to be reasonable. 5 U.S.C. § 1213(e)(2). The Special Counsel will determine that the agency's investigative findings and conclusions appear reasonable if they are credible, consistent, and complete based upon the facts in the disclosure, the agency report, and the comments offered by the whistleblower under 5 U.S.C. § 1213(e)(1).

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Upon investigation, OPR did not find evidence supporting the allegations, noting that eyewitnesses to the events and available documentary evidence did not corroborate Mr. Jeffries' assertions. OPR concluded that Ms. O'Donnell took proper steps to ensure that she fulfilled DOJ ethical standards and made no effort to improperly influence grant awards. Because OPR did not substantiate the allegations in this case, the agency concluded that no corrective actions were necessary.

Mr. Jeffries objected to the conclusions contained in the report. He disputed the manner in which his testimony was characterized and reiterated his claim that Ms. O'Donnell did not properly recuse herself when required.

I have reviewed the original disclosure, the report, and Mr. Jeffries' comments. I have determined that the report meets all statutory requirements and the findings are reasonable. OPR conducted a thorough investigation into the allegations and concluded that Ms. O'Donnell acted in an ethical manner. As required by 5 U.S.C §1213(e)(3), I have sent copies of the unredacted report and Mr. Jeffries' comments to the Chairmen and Ranking Members of the Senate and House Judiciary Committees. I have also filed redacted copies of the report and Mr. Jeffries' comments in OSC's public file, which is available online at www.osc.gov. This matter is now closed.

Respectfully,



Carolyn N. Lerner

Enclosures