



January 29, 2019

The Honorable Debbie Wasserman Schultz
The Honorable Charlie Crist
The Honorable Frederica Wilson
The Honorable Steve Cohen
The Honorable Lois Frankel
The Honorable Ted Deutch
The Honorable Cheri Bustos
The Honorable Val Butler Demings
The Honorable Darren Soto
The Honorable Juan Vargas
The Honorable Kathy Castor
The Honorable Alcee Hastings
The Honorable Grace F. Napolitano
The Honorable Stephanie Murphy
United States House of Representatives
Washington, D.C. 20515

Dear Representatives:

I am writing in response to your letter dated November 30, 2018, requesting that the Department of Justice (DOJ) Office of the Inspector General (OIG) conduct an investigation into the circumstances surrounding the decision of then-U.S. Attorney R. Alexander Acosta to enter into a non-prosecution agreement with Jeffrey Epstein. Your letter raises important questions about the resolution of this case by Department attorneys. However, the OIG does not currently have jurisdiction over matters involving allegations of misconduct relating to DOJ attorneys' handling of litigation or legal decisions. Congress, in Section 8E(b)(3) of the Inspector General Act, granted exclusive jurisdiction over such matters to the DOJ Office of Professional Responsibility.

Over the past 30 years, my three predecessors as DOJ Inspector General and I have objected to this limitation on the OIG's jurisdiction because it shields prosecutorial misconduct from review by a statutorily independent OIG. Recent editorials in *The New York Times* and the *Miami Herald* also have

expressed serious concerns about this limitation on the OIG's jurisdiction, with reference to the Epstein prosecution decision.¹

Earlier this month, the House of Representatives passed without opposition H.R. 202, the "Inspector General Access Act of 2019," legislation that removes this limitation on the OIG's jurisdiction. Identical legislation has previously received bipartisan support in the Senate. It is certainly our hope that the Senate takes up and passes the Inspector General Access Act, thereby enabling my office to exercise jurisdiction over allegations of attorney misconduct.

Thank you for your inquiry, and for your support of independent oversight. If you have any further questions, please feel free to contact me or Adam Miles, Counselor to the Inspector General, at (202) 514-3435.

Sincerely,



Michael E. Horowitz
Inspector General

cc: Corey R. Amundson
Director and Chief Counsel
DOJ Office of Professional Responsibility

¹ "Federal Prosecutors Need a Watchdog, Too," *The New York Times* Editorial Board, December 25, 2018 (available at <https://www.nytimes.com/2018/12/25/opinion/editorials/prosecutors-justice-inspector-general.html>); "Senate's First Order of Business: Remove roadblock to independent investigation into egregious Acosta/Epstein plea deal," *Miami Herald* Editorial Board, January 2, 2019 (available at <https://www.miamiherald.com/opinion/editorials/article223741420.html>).